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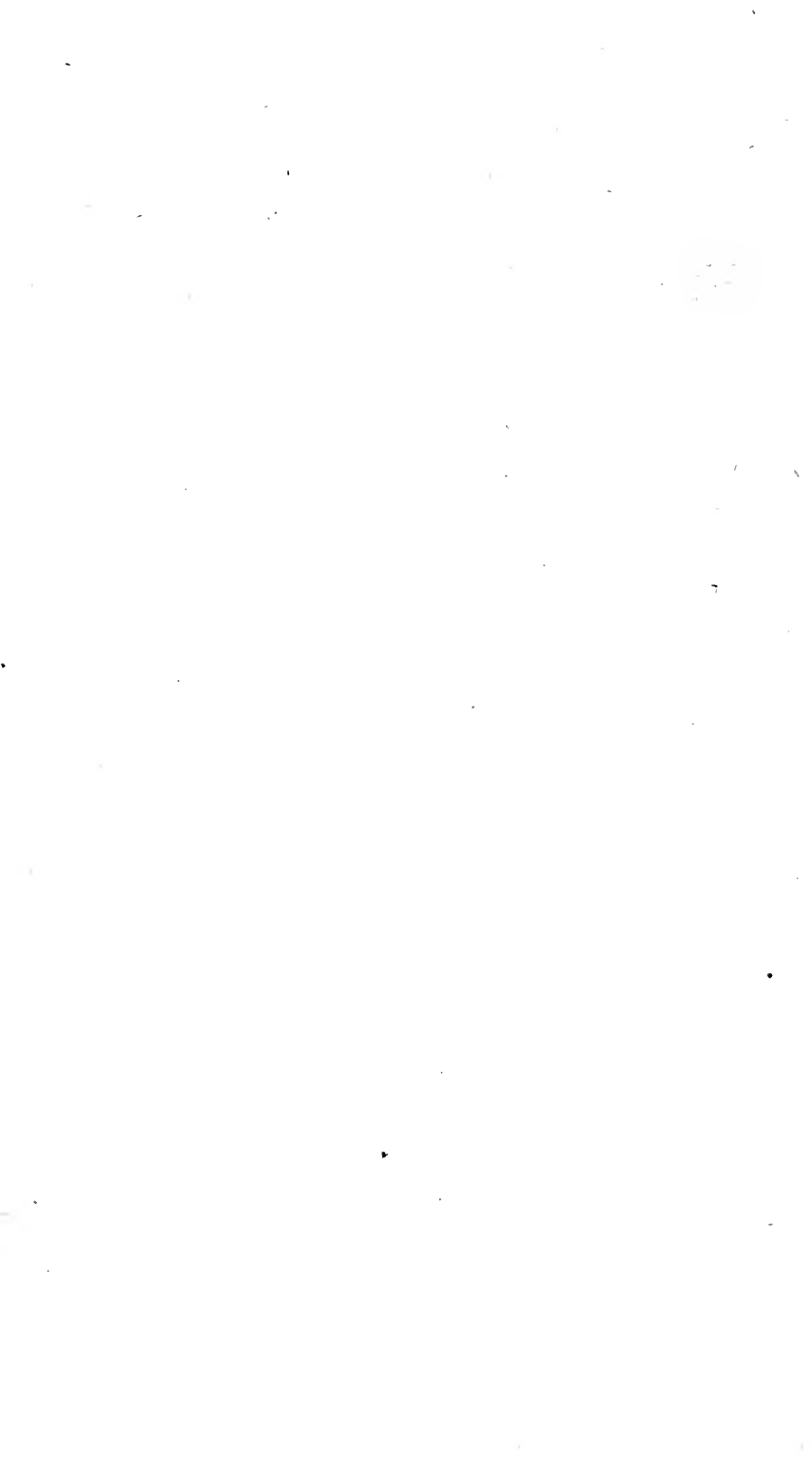
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THE  
S P E E C H E S  
OF  
THE LATE RIGHT HONOURABLE  
SIR ROBERT P E E L, BART.  
DELIVERED IN  
THE HOUSE OF COMMONS.

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WITH A GENERAL EXPLANATORY INDEX,  
AND A  
BRIEF CHRONOLOGICAL SUMMARY OF THE VARIOUS SUBJECTS ON WHICH  
THE SPEECHES WERE DELIVERED.

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IN FOUR VOLUMES.

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# THE SPEECHES

OF

## THE RIGHT HON.

### SIR ROBERT PEEL, BART.

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[His Majesty having prorogued parliament on the 15th of August, the late ministry were, by virtue of the royal prerogative, dismissed on the 14th of November; parliament was dissolved by proclamation on the 29th of December, and a new one summoned for February, 19, 1835. Sir Robert Peel, being then in Italy, was sent for to England and empowered to form a new administration; the right hon. baronet, in the new Cabinet, occupying the joint-offices of First Lord of the Treasury and Chancellor of the Exchequer.]

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#### CHOICE OF A SPEAKER.

FEBRUARY 19, 1835.

Lord Francis Egerton, in a highly eulogistic speech, proposed that the Right Hon. Sir Charles Manners Sutton do take the chair.

Mr. Denison, moved, "That the member for the city of Edinburgh, the Right Hon. James Abercromby, do take the chair."

Sir Charles Manners Sutton and Mr. Abercromby having addressed the House, a long and stormy debate ensued, in the course of which sundry charges were preferred against the late Speaker, and, among others, that of conniving at the dismissal of the late government.

Rising after Lord John Russell,—

SIR ROBERT PEEL said, he should pursue the course which had been generally pursued by every one who had hitherto taken part in the discussion—and confine his observations to the question immediately before the House. Such a course appeared to him not only wise in relation to the topic under discussion, but to be especially necessary, as they had not yet gone through one of the formalities essential to constitute a House of Parliament. He should in the first place speak as a witness; and it would be his duty, a duty perhaps unnecessary for him to discharge, to confirm, in as far as he had any knowledge, the statement of his right hon. friend, the member for the University of Cambridge. The only part of the transactions, however, to which he would speak, occurred after his return to this country. Of what took place previous to his arrival he could say nothing. Having undertaken the duty which his sovereign had assigned him, he sought an interview with his right hon. friend; for he was anxious, from the high opinion he entertained of the talents, character, and experience of his right hon. friend in public business, to procure his assistance and co-operation. Having informed his right hon. friend of the duty he had undertaken, and the principle upon which he should endeavour to construct his administration; namely, that he should seek for aid from every man of character and

talent who could unite with him consistently with his honour and his principles; he asked his right hon. friend, whether or not it was consistent with his feelings and sense of duty to enter into the service of the Crown? He received from his right hon. friend this answer—That he did not seek employment in any official capacity in the service of the Crown. There was a defect apparently in that answer which he would supply, as probably it would furnish the main reason which had induced the right hon. gentleman at such a time to withhold his services from his Majesty. The right hon. gentleman stated, that he had served in the chair of the House of Commons for a period of eighteen years; and he felt, that if he were to enter into the arena of political discussion as a member of the government, he should, after so long a service in the chair, and his personal connexion with, and authority in, that situation, run the risk of lowering it, if he appeared on the floor of the House of Commons as a member of the government. That was the reason which his right hon. friend assigned for his desire to withhold his services from the public. When he understood from his right hon. friend, that he was not willing upon that ground to enter into the service of the Crown as a member of the House of Commons, fearing that there something might occur to lower the authority of the office he had held, if he became a member of the government at a time when it was likely that there would be stormy discussions; having received that answer, he did not feel it to be his duty to consult his right hon. friend, either as to the formation of the government or its policy—and not one word passed between his right hon. friend and himself on the subject. He had asked his right hon. friend, whether he would wish again to fill the chair of the House of Commons in the event of a dissolution? He replied, that he had no wish or feeling upon the subject—that it was a matter upon which he could have no personal interest, in consequence of the former liberality of the House of Commons. At the same time his right hon. friend stated, that the impediment of ill-health, which before led him to meditate retirement, no longer existed; and that, if he (Sir R. Peel) thought that his services would be of any value to the public, as long as his health would permit he should feel it his duty not to withhold them, if placed in the chair of that House. He had expressed no opinion on the subject, and least of all any wish that his right hon. friend should resume the office, if there should be any indisposition on the part of the House to receive him. These were the circumstances, as far as his knowledge went, of the course pursued by his right hon. friend. The question now was, whether, since his right hon. friend had professed his willingness to serve, it was right and fitting that they should select another speaker. The noble lord, the member for Devonshire, said, that the House had a perfect right to choose whom they pleased. Was that the question at issue? Who contested the noble lord's position? The noble lord, who was the loudest in claiming this prerogative, ought to know that it was a trust conferred for the public good, and ought to be exercised with discretion—that it did not become him to insist on the exercise of the barren and abstract right, but to consider the more important point—namely, whether it could be exercised with justice to individuals and advantage to the public. The noble lord had said he could quote precedents; but with all his historical research, the only case which the noble lord had been able to set against the example of Earl Grey and the first reformed parliament, was the conduct of Lord North with respect to Sir Fletcher Norton. A worthy precedent truly! Did that case proceed upon any intelligible principle? Was not the argument employed then something like that used upon the present occasion—namely, “You have given us offence upon one ground, or we wish to gain an advantage upon one ground, but we will assign another for depriving you of the means of rendering further service to the House of Commons?” The ground of Lord North's objection to Sir Fletcher Norton was a speech delivered by the latter at the bar of the House of Lords. Did Lord North assign that as his reason for displacing him? No. His reason was pretended solicitude for the health of Sir Fletcher Norton. Thus it was evident that Lord North was so convinced that whatever might be the abstract right of the House, they would, by exercising it, inflict injustice upon Sir Fletcher Norton, that he carefully avoided stating in the face of the House his real reason for wishing to get rid of him. If there was any thing analogous in the two cases it was this, that both in the one and the other an offence was imputed, and the opponents of the candidate said, We will act upon that imputation as truth, and yet assign for not re-

electing you some other cause. The noble lord also quoted another precedent, that of Sir Edward Seymour, which he must have selected when it was thought that the charge could have been successfully brought against his right hon. friend of having counselled or instigated the dissolution of the last parliament; for the part of the precedent which extorted the slightest cheer was that in which it was insinuated, that if he should be re-elected, the speaker would do as he had done before. But how did the case of Sir Edward Seymour bear upon the present one? The House of Commons had unanimously elected him speaker. [A member: Against the wishes of the king]. "Against I care not what," said the right hon. baronet, with more than his accustomed energy. But he ought to beg pardon for his apparent warmth. He might say with sincerity, that he felt the duties which had devolved on him to be far too onerous for him to set in the House any such example as that of being betrayed into unbecoming warmth. He was about to observe, when he was interrupted, that the case of Sir Edward Seymour had not the least reference to the present discussion. The Commons then elected a speaker whose appointment the Crown refused to sanction, and wished to promote the election of another; it was therefore evident that the strong and just reasons urged by the Commons for adhering to their original choice which had been quoted by the noble lord, were applicable to another and totally different state of circumstances from that which now occupied the attention of the House. Not in the least doubting the right of the House to refuse to re-appoint the late speaker, the question was, whether such a refusal was fair and just, not towards the individual alone, but towards the House. Was the House called upon by a sense of fitness, or justice, to choose any other person in the place of him who had received his appointment by the almost unanimous sanction of six parliaments—who had served the House of Commons for eighteen years, against whom every charge had been abandoned, whose health permitted him again to undertake the office, and who was willing, without the possibility of his being actuated by any motive of personal interest, to continue in the performance of its duties? Would the House allow their late speaker to suffer by six weeks' uncontradicted calumnies against him, uncontradicted by himself, or by his authority, until that day, and which calumnies, and not a sense of his unsuitness for the office, had raised a feeling against him amongst the constituents of some hon. members? Might he be allowed to ask the noble lord opposite a question? Was it not the noble lord's own impression—and if it were he was sure the noble lord would have the manliness to avow it—that the late speaker was concerned in instigating and provoking the dissolution of the parliament? ["Don't answer."] He appealed to the noble lord's candour.

Lord John Russell said, that his impression was, that the late speaker went no further than this—that he took an active part with respect to the formation of a government, which government could do no other than dissolve the parliament. His grounds of objection, therefore, had certainly been founded on the supposition, that the right hon. gentleman had contributed by his conduct to the dissolution of the late parliament.

Sir Robert Peel said, that the impression on his mind was, that the noble lord at a public meeting had expressly declared the ground of his objection to the re-election of his right hon. friend to be, not that he had attended councils, but that he had been a party to the advice through which the parliament had been dissolved. That was the ground taken up by the public press, and the ground on which some constituencies had advised their representatives to vote against the re-election of his right hon. friend. He implored hon. members to reflect, that if their impression against his right hon. friend rested originally on erroneous grounds, they were bound in manliness to refuse to vote upon those grounds. They might oppose the re-election of his right hon. friend upon public principle, if they thought it applicable to the case; but if either they, or their constituents, originally formed the determination of opposing him upon the erroneous grounds which he had adverted to, he had sufficient confidence in their manliness and honour to believe that they would not act upon that determination. There had been something said about a "public principle," involved in the decision of the present question. Now, what were the arguments advanced in support of this proposition? One hon. member said, that the speaker ought to represent the opinion of the majority of the House. Was that a good principle to establish? Was it wise, or conducive to the

dignity and just station of the chair, that its possessor should ever be seeking favour with the political majority in order to secure his re-election? Was it not infinitely wiser to look at the qualifications of the individual to fill the office for which he was proposed than to consider his political opinions? But that question had been decided by the first reformed parliament. Earl Grey and his adherents, having a great majority, thought it right to elect the right hon. gentleman, though differing from them in political principles, whom some of the same party now opposed. They had the power then to enforce their opinions, and why did they depart from what they now called a great principle, and wished so urgently to carry into effect? The first decision of the first reformed parliament carried with it this conclusion, that the House did not feel itself called upon to elect a speaker whose political opinions were in accordance with those of the majority of its members. But what was the explanation of that given by the noble lord? The noble lord said:—"We wanted to avail ourselves of the advantages of the right hon. gentleman's character, judgment, abilities, and experience, and therefore we elected him." But he had served their turn; he had done his work; he had answered their object; and (with singular ingratitude he must say) they would now dismiss him, after they had established the principle of electing a speaker not of their own political opinions, when they had the power of doing so. After they had availed themselves of his services, and after he had co-operated with them in establishing the character of the first reform parliament for decorum, they would unfairly take the very first opportunity to subject him to disgrace. ["No, no."] No, no, indeed; for no disgrace could be heaped upon a man who had conscientiously done his duty. It was beyond the reach of a majority to do that; but it was not beyond the reach of a majority to injure the character of the House. The hon. member who nominated the right hon. member for Edinburgh, in a speech which he might be allowed to say exhibited much good sense, said that the election of speaker was an important matter at the present time, because various important matters were about to be brought under discussion, and amongst others, questions relating to the constitution of the present and the dismissal of the late government, and, in order that justice might be done to the discussion of those questions, the hon. member urged that an impartial speaker should be appointed. Well, whom did he propose? He had taken down the hon. member's words; he said that the House required an impartial mediator to still the raging storms that would arise amidst the conflicts of exasperated parties. Did then the hon. member propose to select a gentleman who had stood aloof from party? No; his choice fell upon a distinguished member of the very government whose removal was to be brought under the consideration of the House. If impartiality in the speaker was so desirable, let not the House select a gentleman to fill that office who was a member of that government, the conduct of which was likely to occupy the attention of the House. There were two candidates for the speakership—one, the late speaker, who had served the House during eighteen years, and been elected by seven parliaments; who had declined to accept office under the Crown because he thought it would have a tendency to lower the authority of the chair;—the other a member of the late government, with respect to whom not a word of disrespect should fall from his lips, but whose impartiality the House had no means of judging of. Could they doubt which they could give the preference to? The House was bound to be as careful not to do injustice to an individual as it was not to abandon its principles or to lessen its own character. The House had another and most important duty to perform. If it had a want of confidence in his Majesty's government, let it make that fairly and openly a ground of address to the Crown; but do not let it do injustice to an individual whose high merits all admitted, by selecting him as the first victim of its displeasure. He resisted, therefore, the motion of the hon. member for Surrey not only on individual and personal, but on general grounds; and as the office in question was the only one which the House had the power of bestowing, let them make such a selection as would be in accordance with the examples which both the unreformed and the reformed House had afforded them. The only objection of a personal nature made by the noble lord to the appointment of his right hon. friend was, that he had attended some three or four privy councils which were purely of a formal character. That one charge was to invalidate the impartiality, dignity, ability, and experience practised during eighteen years. But what was the nature of this charge? If it

were not fitting that the speaker of that House should be a privy councillor, let there be a regulation to that effect; but if he be one, why should he be blamed for performing the duties of the office? An erroneous opinion was entertained by a part of the public, that the meetings of the privy council which had been referred to were deliberative assemblies. The noble lord opposite also was quite mistaken when he said, that they were attended only by members of the cabinet. Any members of the council not members of the cabinet might attend, and they frequently did so. Their duty was merely ministerial, and they offered not a word of advice to the sovereign. If the speaker were in London, living in the House assigned to him for a residence by his Majesty, and received a summons to attend a privy council, on what ground was he to refuse to perform his duty? The charge respecting the late speaker attending councils was not worthy of one moment's attention, after his solemn disclaimer that he had been directly or indirectly a party to the dismissal of the late government, the formation of the present one, or the dissolution of parliament. For his part, he would give his vote in favour of his right hon. friend, of whose experience and ability he had had so many proofs. He implored hon. members to consider, that the office of speaker was one which ought not to be made the subject of party feeling. The precincts of the chair ought not to be converted into ground on which political battles might be fought. He resisted the appointment of the right hon. member for Edinburgh, not because he had any doubt with respect to his qualifications for the office of speaker, but on the double ground—first, that the qualifications of his right hon. friend were superior from his long practice and experience; and secondly, because he thought that his supersession would be unjust towards him individually, and have a tendency to disparage the authority of the chair, and the House of Commons itself.

On a division the numbers were, for Sir Charles Sutton, 306; for Mr. Abercromby, 316; majority in favour of Mr. Abercromby, 10.

## ADDRESS IN ANSWER TO THE KING'S SPEECH.

FEBRUARY 24, 1835.

Lord Sandon briefly proposed, "That an humble Address be presented to his Majesty, in answer to his Majesty's most gracious Speech from the Throne.

The Address having been read from the Chair—Lord Morpeth then rose, and after justifying the policy of the late government, moved an additional clause to the Address, by way of amendment. Mr. Bannerman seconded the amendment.

SIR ROBERT PEEL rose to address the House, and spoke as follows:—Sir,—I feel, that in the situation in which I stand upon this occasion, it might seem to argue a disrespect towards this House, totally alien to my feelings, if I were to allow this debate to close, and the division to be taken, without availing myself of the opportunity which is presented of giving the House those explanations which have been required during the preceding discussion. However my opinion may have occasionally differed from many of those whom I have the honour to address, I trust that I have never, upon any occasion, or under any circumstances, shown a disposition to treat with disrespect any portion of the members of this House, or to shrink from giving an explanation, either as to my conduct when acting in a private capacity, or when called upon as a member of his Majesty's government to give those explanations, or to express those views, which, in the performance of my public duty, I am bound to submit to the House.

I shall, therefore, with the permission of the House, trusting to the continuance of that indulgence which in former parliaments I have so frequently experienced, and relying upon their consideration of the position in which I stand, charged as I am with the important duties which have fallen to my lot—I shall, I repeat, under these circumstances, confidently reckon upon their patient and indulgent attention, whilst I proceed to recapitulate and review the matters which have been alluded to in the course of the debate—the doubts expressed, and the explanations demanded.

I, shall, in the first place, refer to the circumstances under which the present government was constituted; I shall defend the course which I thought it my duty

to advise the king to pursue at the period of its formation; and give accurate delineations of the measures which it is the intention of his Majesty's government to introduce; those explanations the House has a right to require, and I should shrink from that duty which is imposed upon me if I did not avow a willing disposition to afford them. I stand here as the minister of the Crown—placed in this situation by no act of my own—in consequence of no dexterous combination with those to whose principles I have been uniformly opposed, and with whom I might frequently have made, had I been so inclined, a temporary alliance for the purpose of embarrassing the former government. I stand here in fulfilment of a public duty, shrinking from no responsibility, with no arrogant pretensions of defying or disregarding the opinions of the majority of this House, yet still resolved to persevere to the last, so far as is consistent with the honour of a public man, in maintaining the prerogative of the Crown, and in fulfilling those duties which I owe to my king and to my country.

In vindication of the course which I have pursued, it is necessary that I should refer to the circumstances which preceded the dissolution of the last government. I have been asked whether I would impose on the king, in his personal capacity, the responsibility of the dismissal of that government? In answer to this question I will at once declare, that I claim all the responsibility which properly belongs to me, as a public man; I am responsible for the assumption of the duty which I have undertaken, and if you please, I am, by my acceptance of office, responsible for the removal of the late government. God forbid that I should endeavour to transfer any responsibility which ought properly to devolve upon me, to that high and sacred authority which the constitution of this country recognises as incapable of error, and every act of which it imputes to the advice of responsible counsellors. But whilst I disclaim all intention of shrinking from that responsibility, which one situated as I am must necessarily incur; I must at the same time unhesitatingly assert, what is perfectly consistent with the truth, and what is due to respect for my own character,—namely, that I was not, and under no circumstances would I have been, a party to any secret counselling or instigating the removal of any government. But although I have not taken any part in procuring the dismissal of the late government, although I could not, from circumstances which are notorious to the world, hold communication with any of those with whom I have now the honour to act, much less with the highest authority in the State, as to the propriety or policy of that dismissal, still I do conceive that, by the assumption of office, the responsibility of the change which has taken place is transferred from the Crown to its advisers; and I am ready—be the majority against me what it may—to take all the responsibility which constitutionally belongs to me, and to submit to any consequences to which the assumption of that responsibility may expose me.

I do not, then, hesitate to express it as my opinion, that the act by which the last government was removed was an act perfectly justifiable. I will, for the purpose of proving this proposition, take a review of the state of the country for some time past. Looking back to the meeting of the reformed parliament in February, 1833, it will be seen that the government which was formed under the auspices of Lord Grey, and which had carried the Reform Bill, continued in a successful course for a certain period. Was I one of those who refused to recognise and submit to the great change which had then recently been effected? Was I not the first to avow, in 1833, that the old tactics of party were no longer applicable to the new circumstances of the government of the country, and that I would give my support to the administration of Lord Grey as long as that government attempted to act upon the principle of maintaining the institutions of the country, and in maintaining, not excluding, the improvement of them? Did I seek for opportunities to embarrass that government? How many occasions were there of which I might not have availed myself, if I had been solicitous to obtain power, to obstruct the course of the government of Lord Grey? When the House of Commons determined by a vote of one night to repeal the malt-tax, and I heard that that vote would be followed by the removal of Lord Althorp from his place in the government, by his immediate resignation, in consequence of his declared inability to concede on this point to the demand of a majority of this House, consistently with the maintenance of public credit—did I seek any plausible pretext of joining those who were upon that question opposed to the government, and thereby increase its embarrassment? Did I



not tender my advice that this House should reconsider that vote, and did I not share the unpopularity of rescinding the resolution for the removal of a tax to which many of my own friends were decided opponents. Again, when the noble lord (Stanley), then Secretary for the Colonies, brought forward the measure for the settlement of the great question of slavery, when the noble lord had at first proposed a loan of £15,000,000 to slave proprietors, and afterwards, to the surprise of a large number of this House, as well as the public generally, found it necessary to change his proposition into a grant of £20,000,000, although I differed from the noble lord as to that measure in some matters of detail, was I not the first to support the noble lord in his proposition for the increased vote, and to do all in my power to persuade the House of Commons to sanction it, as a vote essential to the success of the measure, and deeply involving the public honour? During the whole of the year 1833 and 1834, so far from showing any disposition to resume power by a combination with men to whose principles I was more opposed than to those of the government, my constant efforts were directed to maintain that government against the attacks of opponents more eager for innovation than ministers themselves, and I have ever given them my cordial support and assistance upon every question on which the course of the government was in accordance with my own principles.

I will now refer to the circumstances which led to my being placed in the position I now occupy. In May, 1834, the government of Lord Grey lost the services of those of its members in whom the country reposed the highest confidence, and it will be in the recollection of the House, that Lord Grey was so sensible of the loss he had sustained from the secession of those colleagues as to resolve upon retiring from the administration himself. When prevailed upon to retain office, Lord Grey reconstructed the government; but he was fully sensible of the loss his administration had sustained from the retirement of those who had quitted it, and to whose assistance he had attached the greatest importance. He was also aware of, and felt most strongly, the embarrassments which threatened the government from what his lordship called "the pressure from without." In a letter to Lord Ebrington, Lord Grey said,—"Founded on the principles of reform, the present administration must necessarily look to the correction of all proved abuses. But, in pursuing a course of salutary improvement, I feel it indispensable that we shall be allowed to proceed with deliberation and caution, and above all, that we should not be urged by a constant and active pressure from without to the adoption of any measures, the necessity of which has not been fully proved, and which are not strictly regulated by a careful attention to the settled interests of the country, both in Church and State. On no other principle can this or any other administration be conducted with advantage or safety." Who can doubt that the loss of the four Cabinet Ministers who seceded on the occasion I am referring to—Lord Stanley, Sir James Graham, the Earl of Ripon, and the Duke of Richmond—had a material tendency to weaken the authority of Lord Grey's government, and to shake the confidence of the public in it? However, the government proceeded, severe as was the shock it had sustained—but scarcely one short month elapsed, before Lord Grey himself, and those immediately connected with him, Lord Carlisle and Lord Howick, retired from the administration. It was upon that occasion that his Majesty, anxious alone for the public interests, alarmed at these repeated secessions, seeing that they proceeded, not from hostile combinations, but from internal dissensions, or intrigues, expressed an earnest wish that a government should be formed upon some new foundation, combining men of different parties in the public service. I believe it is no secret, that a communication was made by Lord Melbourne, at his Majesty's desire, to the noble lord (Lord Stanley), the Duke of Wellington, and myself, with this view. I feel bound to state, that Lord Melbourne discouraged the plan, and was not desirous that the negotiation should be entered into, because his lordship saw no reason to hope that it would end in a satisfactory result. The other parties, too, I must mention, were as little sanguine as Lord Melbourne, that by the means projected an efficient and permanent administration could be formed at that period. I refer, however, to this transaction, as showing how deeply sensible his Majesty was of the difficulties in which the country was involved, and how anxiously he desired, by every means within his control, to obviate those difficulties. The government was again reconstructed—reconstructed under the auspices of Lord Melbourne; but I now publicly

assert, in the face of Parliament and the country, that the foundation of that government rested upon the continuance of Lord Althorp as Chancellor of the Exchequer, with the lead of the House of Commons; that the consent of Lord Althorp to resume these functions, was the corner-stone upon which the government of Lord Melbourne was built, and that had Lord Althorp withheld that consent, Lord Melbourne would not have attempted to form an administration. Let me also refer to the public declaration of Lord Grey as to the importance of Lord Althorp's continuance in office and in the House of Commons. On the 9th of July, Lord Grey said, referring to the communications with Mr. O'Connell respecting the Irish bill:—"But this new state of affairs deprived me of the assistance of my noble friend the Chancellor of the Exchequer, the leading member of the government in the Commons, the individual on whom my chief confidence rested, whom I considered as my right arm, and without whose assistance I felt it impossible for the government to go on. Former breaches had considerably weakened the government; this new breach placed it in a situation in which I could not well hope to retain my place at its head, with any view to serve the Crown or the country for any useful purpose."

Thus, then, it appears that the retirement of Lord Grey was determined by the retirement of Lord Althorp, and that the basis on which the Melbourne administration was founded, was this, that Lord Althorp should return to office, and, contrary to his own declared wishes and inclinations, resume the leadership of the House of Commons. The Melbourne government was thus constructed; but the session, though nearly at a close, did not terminate without a difference between the Houses of Lords and Commons on the Irish Tithe Bill. I will put it to the House whether, under such circumstances, it was not perfectly natural, on the necessary retirement of Lord Althorp from the Chancery of the Exchequer and the lead of the House of Commons, that his Majesty should review the position of public affairs, and should anxiously consider the question, whether he should continue the government, shattered as it was to its foundation, or seek for an administration constructed on a new basis? Was there any hope that compensation could be found for the successive losses the reform government had sustained—the loss of Lord Stanley, of Sir James Graham, of the Duke of Richmond, of Lord Ripon, of Lord Carlisle, of Lord Grey, and lastly, of Lord Althorp? From what quarter of the horizon did the ray of light and hope proceed? If there were a chance of success, it must have been in the single expectation of the consistent and unanimous support which the government would receive at the hands of those who held extreme opinions upon popular questions. But what hope of support had the government from that quarter? Was it not the fact, that it was to the series of attacks made one after another from that quarter that the weakness of the government was to be attributed?—Who was the member of the new cabinet best entitled to claim support from the popular party, and especially from the popular party in Ireland? Was it not Lord Duncannon, named to the office of Secretary of State from his especial connection with Ireland? Now mark the indications of gratitude for this appointment, and the prospect that Lord Duncannon had of cordial support from the only party on which he could place a reliance. On the 11th of October last, a month preceding the dissolution of Lord Melbourne's government, the hon. and learned member for Dublin addressed a letter to Lord Duncannon, having for its motto. "Hurrah for the Repeal," and the authority given for the motto was, "Wild Irish Cry." The following is an extract from that letter:—"My lord, I write more in sorrow than in anger, more in regret than in hostility. It is true that you have deceived me—bitterly and cruelly deceived Ireland, but we should have known you better. You belong to the Whigs, and after four years of the most emaciating experience we ought, indeed, to have known, that Ireland had nothing to expect from the Whigs but insolent contempt, and malignant but treacherous hostility." This, it might be supposed, was an ebullition of ardent and heated eloquence, delivered under circumstances of strong excitement; but no, it was no such thing; it was written from the hon. and learned gentleman's calm retreat at Derrynane Abbey, and when the hon. and learned gentleman was in the most tranquil vein possible. The hon. and learned gentleman said so himself. "It is," continued the hon. and learned gentleman, "my duty tranquilly but firmly to declare to the people of Ireland that they have nothing to expect from you; that you are as deeply steeped in the old system of misgovernment, as if you never proclaim-

ed liberal principles, and that we must have a change of men before we have any chance of a change of measures. Still I do confess, I have arrived at this conclusion with regret. I feel nothing of the passion of anger; I cherish no hasty or violent resentment. But I do feel strongly the impulses of that duty which commands me to struggle unremittingly to procure for Ireland a domestic legislature, where, and where alone, a sympathy between the Irish and their rulers can originate and be fostered." So much for the opinions of the hon. and learned gentleman respecting the constitution of the Melbourne administration and Lord Duncannon, whom the hon. and learned gentleman had at first hailed as a most popular acquisition to that ministry. The House will see that, according to the hon. and learned gentleman's own showing, no change of men could possibly prejudice the interests of Ireland, that the Melbourne cabinet was so bad, that even the present is far preferable to it, and that the hon. and learned gentleman himself is bound, therefore, to give it at least comparative support.

And now for the hon. and learned gentleman's opinions as to individuals connected with the Melbourne administration. In the same letter from which I have just quoted, the following passages occur:—"Of what value is it to Ireland, that Earl Grey should have retired, if he has left to his successors the same proud and malignant hatred he appeared to entertain towards the Irish nation? Are the representatives of that sentiment predominant in the cabinet? I know that—(can I believe my eyes when I read it?)—that Lord John Russell cherishes feelings of a similar description. Ireland, in the unjust and disgraceful scantiness of her Reform Bill, felt deeply, and deplorably felt, that hostility." With regard to Lord Melbourne, the hon. and learned gentleman said, "I know, and every body knows, that Lord Melbourne wants sufficient powers of mind to be able to comprehend the favourable opportunities afforded him to conciliate the popular party—that is, emphatically, Ireland. In plain truth, my lord, it is quite manifest that Lord Melbourne is utterly incompetent for the high office he holds. It is lamentable to think that the destinies of the Irish people should depend in any degree on so inefficient a person." Next came Lord Lansdowne, of whom the hon. and learned gentleman said, "Lord Lansdowne, too, is hostile to Ireland, with a hatred the more active and persevering, because he is bound by every obligation to entertain diametrically opposite sentiments." I will trouble the House with but one quotation more from this deliberate and tranquil letter of the hon. and learned gentleman to Lord Duncannon:—"On this account, then, I repeat the chorus of that song called 'The Wild Irish Cry'—'Hurrah for the Repeal.' You are a much better repealer than I am. Your conduct, and that of your colleagues, has made more of the people inveterate for repeal than any arguments or exertions of mine could possibly do. Continue to govern Ireland under the special guidance of 'the sage father of all the Hannibals,' and you may possibly see the bench—but no, that is ground too sacred to be touched in public—but you will see Ireland sufficiently strong to laugh to scorn every malignant enemy, whether Whig or Orange Tory." Thus had the hon. and learned gentleman disposed of Lord Duncannon, Lord John Russell, Lord Lansdowne, Lord Plunkett, and lastly Lord Melbourne himself. Is it not then clear to demonstration that the Melbourne cabinet had not the faintest hope of support from that party on which its main reliance must have been placed?

Let me then again ask, whether it were unnatural or unreasonable for his Majesty, in considering the component parts of that administration, and the prospect of its being able to maintain its ground, weakened as it had been by the loss of the most powerful members of the Grey government, and further embarrassed by the recurrence of that event, and which had caused Lord Grey's retirement, and would have prevented Lord Melbourne from forming any administration at all—namely, the resignation of Lord Althorp and his removal from the House of Commons—let me, I say, ask, whether it was at all surprising that his Majesty should doubt the propriety of continuing the reins of government in the hands of men who, three months before, rested their exclusive hope of success on the aid of Lord Althorp?

I have already stated that I was no party in the remotest degree to the removal of the former government, never having either advised or even contemplated it; yet I feel that the acceptance of office does impose upon me a full share in the responsibility which my noble friend (the Duke of Wellington) has contracted. I am now

here to answer under that responsibility. If my noble friend has acted unconstitutionally—if my noble friend has done any thing wrong in his assumption of the government, I, by my subsequent acceptance of office, have contracted, in an equal degree, the responsibility thus incurred. It has been said, that it was a most grievous crime and a dangerous precedent for any one man to monopolize so many offices. My first answer to this assertion is, that there is nothing unconstitutional in a man holding two offices, and that the propriety of their tenure depends upon the state of public affairs, and the intention with which they are accepted. The Duke of Wellington, it is true, held the offices of First Lord of the Treasury, and of Secretary of State for the home department, and had the power, in the last capacity, of performing all the duties connected with either the foreign, colonial, or home offices. The delivery to him of the seals of the home office conferred upon him the right to exercise all the functions of the other two departments—the right to advise the Crown on foreign and colonial matters, contracting, of course, all the responsibility which might attach to such advice. There might be inconvenience arising from the assumption of all these powers by one individual, but such an assumption is not unconstitutional. It is the constant practice that the secretary of one department acts for the secretary of another, during intervals of recreation, or periods of sickness; but I will not rest the defence of my noble friend on any ground so narrow. My noble friend assumed the double offices from the purest motives,—from his conviction that it was necessary for the public service. He had assumed them—not with the intention of arrogating to himself the supreme powers of the state, but for the express purpose of mere temporary occupation, with a view to deliver up those powers in their full integrity to another. The noble lord (the member for Yorkshire) has stated that this assumption was perfectly new in the history of this country, and has said (I believe I have taken down the noble lord's words correctly) that if there should be an old Whig of the Rockingham school now alive, the hairs of that old Whig would stand on end on hearing that one man had assumed two such offices as those of the Secretary of State and First Lord of the Treasury. But I shall show that, in the good times of Whig predominance, an instance occurred when an assumption of equal powers took place in order to defeat the Jacobite party, and obstruct the views of the pretender. The noble lord is well read in history, and is doubtless acquainted with the events which occurred at the close of the reign of Queen Anne. The noble lord may perhaps recollect that a short time previously to her death the Earl of Oxford had been removed from power, and Lord Bolingbroke speculated upon the assumption of supreme authority, and upon the means of constituting a government consonant to his own views. The historian thus narrates the circumstance under which one individual did assume many high trusts, for the purpose of defeating the principles of the Tories, and the views of the Jacobite party. “Lord Bolingbroke employed this awful interval (the sickness of the queen) in regulating his political arrangements; and the most alarming apprehensions seized upon all the true friends and well-wishers of the country. The Whigs, however, were not inactive, the indisposition of the queen increased, and the committee of the privy council, sitting at the palace of Kensington, began to make prompt and effectual arrangements. The Duke of Shrewsbury was present, and saw the crisis had now arrived when a decisive course must be adopted, aided by the support of the Hanoverian party. The Dukes of Argyll and Somerset entered the council-chamber, and the post of Lord Treasurer was filled up, the Council recommending to the queen the Duke of Shrewsbury as the fittest person for that office. The queen delivered to him the white staff, desiring him to use it for the good of her people. The same afternoon Lord Somers shook off his bodily infirmities, and repaired to Kensington, accompanied by several Privy Councillors of his party. The Duke of Shrewsbury desired to return to the queen the Lord Chamberlain's staff, but she directed him to keep both, so that he was possessed at one and the same time of three of the greatest posts in the kingdom, namely, those of Lord High Treasurer, Lord Chamberlain, and Lord-lieutenant of Ireland.” Was there a whisper of objection to this on the part of Whig authorities? Did Lord Somers denounce the act as unconstitutional? On the contrary, he sanctioned it by his presence! It was the urgency of the crisis,—it was the intention of the act that vindicated it, and extracted

all the danger from the precedent. Apply the same principles to this case. The Duke of Wellington was offered the situation of prime minister at a time of great difficulty. He believed it better for the interests of the king and of the country, that that post should be occupied by another person, and that person was not in England. The noble duke stated in his letter to me, that he had advised the king to send for me as his Majesty's prime minister, and that he had determined to assume certain offices himself, because he thought nothing would be so unfair as to ask me to take upon myself the management of an administration, the whole of which had not been left to my formation; and further, that, if he appointed other individuals to exercise the high duties of those offices, I might probably be under an embarrassment in advising the king to remove them. It was to obviate such an embarrassment and difficulty, and to leave the appointments to myself unfettered, that the Duke of Wellington thought it better for the Crown, and fairer to me, to make an arrangement in its nature and character temporary. So much for that question.

I now come to the subject of the dissolution of the late parliament. I have been asked whether I take upon myself the responsibility of that proceeding? and, without a moment's hesitation, I answer that I do take upon myself the responsibility of the dissolution. The moment I returned to this country to undertake the arduous duties now imposed upon me, I did determine that I would leave no constitutional effort untried to enable me satisfactorily to discharge the trust reposed in me. I did fear that if I had met the late parliament, I should have been obstructed in my course, and obstructed in a manner, and at a season, which might have precluded an appeal to the people. But it is unnecessary for me to assign reasons for this opinion. Was it not the constant boast that the late parliament had unbounded confidence in the late government? And why should those who declare they are ready to condemn me without a hearing, be surprised at my appeal to the judgment of another, and a higher, and a fairer tribunal—the public sense of the people? Notwithstanding the specious reasons which have been usually assigned for the dissolution, I believe it will be found, that whenever there has occurred an extensive change of government, a dissolution of parliament has followed. In the year 1784, a change took place in the government, Mr. Pitt was appointed to the office of prime minister, and in the same year a dissolution took place. Again, in 1806, when the administration of Lords Grey and Grenville was formed, the parliament, which had only sat four years, was, shortly after the assumption of power by those noblemen, dissolved. It was on that occasion urged, that a negotiation with France having failed, it became necessary to refer to the sense of the country; but I never will admit that the failure of the negotiation with France could constitute any sufficient grounds for the dissolution of a parliament which there was not the slightest reason to believe was adverse to the continuance of the war, or dissatisfied with the conduct of the negotiation. In the year 1807, another change took place in the government by the accession of Mr. Percival to power, and then again a dissolution immediately took place. In the year 1830, Earl Grey was called into office as prime minister, and shortly after the vote in committee on the Reform Bill, the parliament which had been elected in 1830, was dissolved in 1831. Hence it appears that, in the cases of the four last extensive changes in the government, those changes have been followed by a dissolution of the then existing parliament. The present, however, I believe to be the first occasion upon which the House of Commons has ever proceeded to record its dissatisfaction at the exercise of the prerogative of dissolution.

I have been told, and indeed it has been implied in the course of this debate, that although I might have been no party to the dismissal of the late ministry, and although I was utterly ignorant of the intention to dismiss it, yet that I ought to have advised the Throne to recall the government of Lord Melbourne, and that I should have considered myself disqualified from undertaking the government of the country. The whole ground of objection to my possession of power is this, that, in consequence of the revolution in power which has taken place, and of the necessity of acting in the spirit and on the principles of the Reform Bill,—I am unfit to be in office, and therefore ought to have declined it. But I have never considered the Reform Bill to be a machine, the secret springs and working of which are only known to those by whom it has been constructed, or that its effect is to be the exclusion of any portion of the king's subjects from their monarch's service. No sacrifice of principle was

required from me by the king; on the contrary, I was desired to form an administration such as seemed to myself best for the public service, to adopt such measures as I conceived most likely to advance the public interests; and I will, therefore, ask any man outside the walls of parliament, and free from the contagion of party, whether he would not entertain a mean opinion of me, had I, under such circumstances, said to the king,—"I feel for your difficulties, but I decline your service; I never can propose measures that will satisfy the House of Commons, and I therefore advise you to resort to some other quarter for assistance."

It has been urged against me, that I and those with whom I have acted in the Commons House of Parliament were at constant variance with the reform governments of Earl Grey and of Lord Melbourne, and that we have contended against those administrations which, it was assumed, were supported by the unanimous voice of reformers. Upon this head there has been much declamation, which is certainly more captivating than facts; but facts are a little more conclusive as evidence, and I will refer to certain notorious facts—facts upon record, for the purpose of deciding the question, whether or not I have acted, as was alleged, in constant opposition to the reform governments, and in continued hostility to the united body of reformers. I reject with scorn the doctrine, that because a public man resisted the Reform Bill—resisted a great change in the balance of political power, and in the constitution of the governing body—he must be placed under a ban of perpetual exclusion—denounced as an alien from the institutions of his native land, and disqualified for public service as the patron of corruption and abuse. This convenient doctrine is founded on the assumption that the House of Commons, since the passing of the Reform Bill, has been divided into two parties—the advocates and the opponents of the reforming government. A reference to facts will show that such has not been the case; but, on the contrary, that I, an anti-reformer, so far as the constitution of the House of Commons is concerned, have been the supporter of the government, and that it is the reformers themselves who have opposed them. To establish the truth of this I will review the principal domestic questions which have been discussed since the first meeting of the reformed parliament in February 1833. On the meeting of that parliament an amendment was moved on the address—the "bloody and brutal address," as it was called by the member for Dublin. The government resisted that amendment; I supported them, and was one of a very large majority. On the first reading of the Disturbances (Ireland) bill, the government were opposed by many, but I supported them. Next came Mr. Attwood's motion on the subject of the general distress; there I supported the government. So also on Mr. Harvey's motion relative to the publication of the lists of divisions; on Mr. Grote's motion upon the vote by ballot; and on Mr. Rippon's motion for the exclusion of the bishops from the House of Lords. The government opposed also the repeal of the malt-tax, and I lent them my assistance. On the motion for the alteration of the corn-laws, and for a substitution of a property-tax in lieu of the duties on malt; on the grant of pecuniary relief to the Irish clergy; on Mr. Tennyson's motion for the repeal of the Septennial Act; on Mr. Harvey's second motion upon the pension list; on Sir William Ingilby's resolution for the reduction of the malt-duties; on Mr. Buckingham's proposition relative to impressment; on Mr. Hume's motion on the corn-laws; on Lord Althorp's proposition with respect to the Church-rates; on Mr. O'Connell's motion for the repeal of the Union—on every one of these occasions I have found myself in close connexion with the government, and lending them my most earnest and zealous assistance and support.

Now, take the other side of the account. I have differed from the government on the question of the admission of Dissenters into the universities; and I had also the serious misfortune to differ from them on the motion for a committee for the persecution of Baron Smith. I voted also against them on the question of the Irish Church Temporalities, and against Lord Althorp's proposition to make bank-notes above the value of £5 a legal tender. Now strike the balance. Look at the questions on which I have supported, and those on which I have opposed the reform government—compare their number, compare their relative importance, and then decide—whether I or the ultra-reformers were the parties differing the most in views and principles from the government of Lord Grey. At the same time I feel it my duty to declare, that I will not try to conciliate the support of the House by any false



professions. After the passing of the Reform Bill I saw that a great change had taken place; that there had been a complete revolution in the possession of power, and that necessarily there must be on the part of public men, who meant honestly by their country, a spirit of accommodation in their public course to the altered circumstances of government. I, however, cannot say that I intend in power, or as a condition on which to retain power, to adopt any course differing in principle from that which I pursued in opposition, subsequently to the passing of the bill of Reform. On questions in which I opposed the late government I intend still to maintain the principles which actuated that opposition. I do not mean to vote for a compulsory obligation on the universities to admit Dissenters within their walls, but will leave that question to be determined by the universities themselves. I also intend to maintain the same principles on which I acted with reference to the Church Temporalities Bill, and I will not consent to the diversion of Ecclesiastical property to other than Ecclesiastical purposes. If I differ from the majority of the House, I regret it; I differ from them with respect, but I will not make the sacrifice of my opinions on the two points to which I have referred for the purpose of gaining their favour or their support. I am no apostate; I am not deviating from any principles which I have ever professed. The rule of my conduct in office, will be that which I have taken for my rule out of office,—to make no sacrifice of public principle, but at the same time not to stand in fruitless opposition to the operation of changes in our institutions, the making of which I certainly deprecated, but which when made I was among the first to recognise as final and irrevocable.

I hope that the House will allow me to take a view of the measures indicated by the king's speech, as those hereafter to be proposed by the government, and to afford the House the explanation respecting them which has already been required of me. I am afraid that I am trespassing on your attention at a length which may become wearisome to your patience, but I trust that you will make allowance for the situation in which I am placed, and that your possible disinclination to hear me as a private individual will not apply to me as a minister of state. The first point noticed in the king's speech, is our relations with foreign princes and states. The government declares its earnest desire to cultivate the relations of amity with them. The government states, that they entertained confident expectations of being able to maintain the blessings of peace. They already see a tendency to increased confidence in the British ministry, on the part of some of the great powers of Europe, and that confidence has been manifested by the commencement of a reduction in the military establishments of two of them. I allude to the fact, that Austria and Prussia have both begun to reduce their military force—the one in her Italian, the other in her Rhenish provinces. It has been argued on the other side, that it is an ill omen, a positive evil, that the military governments of the continent should have any confidence in the ministry of England. There might be some foundation for this, if the ministers had contracted any engagements with those governments which could bind them to depart from the true principles of British policy, and from their disinclination to interfere with the internal affairs of other countries. We have contracted no such engagements, but we are proud of the confidence of foreign powers, and wish to maintain their good-will. And I must say, that nothing is more unfortunate than the course occasionally pursued in this House, of loading with personal obloquy and the severest vituperation those who possess the chief authority in countries, whose cordiality it is our interest to cultivate, even though they are governed by institutions less free than our own. What inconsistency is there in maintaining the principles of a free representative government, and yet, disregarding the difference of our institutions, in cultivating friendship with despotic powers? It would be well if those gentlemen who profess liberal principles would imitate the example of a country with institutions more liberal even than our own—I mean the United States, which sees no inconsistency and no dereliction of principle in courting the most friendly relations with foreign states, without troubling themselves about their forms of government. What advantage is there, I would ask, in alienating foreign sovereigns from us by reflections which irritate their feelings, but do not diminish their power, and which prevent us from exercising a friendly and salutary influence over their councils? But it is said that this increasing confidence in the British government on the part of certain foreign powers, must be owing to our

alienation from our powerful neighbour and ally—France. Now, why should that suspicion be entertained against the present government? Who was the first to confirm the nascent power of Louis Philippe by an unhesitating acknowledgment of it, but the Duke of Wellington? Why should this government view with jealousy the increasing prosperity of France? Why should it repine at advances in improvement, which react upon our own welfare, or entertain a lurking feeling adverse to the maintenance of that cordial good understanding with France, on which, in my conscience, I believe the peace of Europe mainly depends?

The next point noticed in the king's speech is the necessity of economy. Ministers state the fact, that the estimates of this year will be the lowest that has been known since the peace of 1815. The fact being so, they have stated it, but not with an invidious comparison between their acts and those of the former government. They do not claim the reduction as their exclusive credit. They wish it to be shared with the government which preceded their own; and as that government, in its financial statement, had the liberality to admit the economy enforced by the Duke of Wellington in his former administration, so the present government, in its estimates, has the liberality to admit that it only continues to act in furtherance of the economical principles enforced by the preceding government. But at any rate, the statement of this fact is an answer to those who said, that the appointment of a conservative government would lead to increased expense in all our establishments. Comparing the estimates of the present year with those of the last, I entertain a confident hope that it will be possible to make a reduction, consistent with the due execution of the public service, to the extent of £500,000. For that ministers claim not an exclusive credit—it arises less from the reduction of establishments than from the enforcement of those wise principles of economy which were first laid down by the Duke of Wellington, and afterwards adopted by the late administration.

I will now shortly advert to the measure for the abolition of Slavery. There has been an impression that the success of that great measure will be impeded by the restoration of the present ministry to power. It is true that they have not entertained the sanguine expectations respecting its eventual success that has been entertained by many hon. gentlemen on the other side of the House; but this I will say, that if ever men were under a moral obligation to be scrupulous in promoting the success of that great measure of philanthropic benevolence, the present ministers are under that obligation, for the very reason that they have been less sanguine than its authors. And what has been the practical course which ministers have pursued respecting it? So far have they been from seeking any advantage from the patronage of the different appointments in the colonies, that their first resolution has been to continue in their post all the governors appointed under the late administration. Those governors being appointed by that administration, are cognizant of its intentions, and are therefore probably the best instruments for carrying those intentions into effect. Lord Sligo, for instance, is the governor of Jamaica. The first thing which Lord Aberdeen did upon his appointment to office, was to write to that noble lord, and to request him to remain in his situation, as he was cognizant, from personal communication, of the views and feelings of the late government. The present government has sent out additional magistrates to some of the colonies (the only instance in which it has incurred expense without the knowledge of parliament), but they have not hesitated to undertake the responsibility of such a proceeding, as the object of it is to further the success of that great measure for the abolition of slavery.

It has been said by hon. gentlemen on the other side, that the speech from the throne is in its terms vague and inconclusive; that it is couched in the usual indefinite language; and that it leaves parliament uncertain as to what is to be done. Now, of all the speeches which have ever been delivered from the throne, it does appear to me that this is the most precise as to the intentions of the government, and as to the measures which it is intended to propose. I wish the House to recollect, that I returned from the continent on the 10th of December, and that I am now speaking on the 24th of February. It is no slight labour in the interim to have constituted a ministry, and to have given the requisite consideration to such measures as are announced in the speech from the throne. Among the first of them, in point of urgency, is the state of the tithe question in Ireland. Government will propose a measure for its final and equitable adjustment. For the commutation of the tithe in England and

Wales, government is also prepared with a measure. For the administration of justice in ecclesiastical causes, government intends to adopt a bill, founded on the report of the commissioners appointed by the former government of the Duke of Wellington; a bill of which subsequently the right hon. member for Cumberland has been the chief promoter; a bill which will destroy all petty ecclesiastical courts, and will appoint supreme courts for the cognizance of all ecclesiastical causes. Government also proposes to make provision for the more effectual maintenance of ecclesiastical discipline—a provision which will enforce episcopal authority, not over the laity but over the clergy, and will check, if not entirely prevent, those cases of scandal which occasionally occur, but the punishment of which is dilatory and ineffectual. Government also intends to propose a measure which will relieve those who dissent from the Church from the necessity of celebrating marriage according to its rites. I have been asked, “Is that all you intend to do for the Dissenters? You may relieve them from that grievance, but do you leave all their other grievances unredressed?” Now I must remind these objectors, that great importance has been attached by the Dissenters to the redress of this very grievance. It is no new point that I have taken up. The noble lord opposite has failed before me; and the first point to which I gave my attention on my return to power, was the mode in which I could fulfil most satisfactorily the expectations of the Dissenters on this subject. It has been objected, that there is no mention in the king's Speech of any measure for establishing a general registry of births and deaths. That is a subject full of difficulties, which I am occupied in considering and attempting to solve; and it is not the practice of the Crown to indicate in the Speech from the throne measures, until the details are all settled. Now, the consideration of these measures has occupied more time than it was almost possible to devote to them, paying due attention to the general business of the state. Any measure for establishing a general registry of births, will require long and mature deliberation. I candidly confess, that I am not at present ready with all the details of such a measure. I have not, however, any objection to the principle of it. Such a measure, well matured, would be of great advantage to the public at large, as supplying valuable statistical information, and affording better means than any that now exist, for establishing titles to property. But we are too apt to expect that we can in every case combine the advantage and facilities which despotic governments have, with those of free institutions. It may be easy in Prussia or Austria to impose a penalty on any man who has a child born to him, and who does not register its birth within a given time. I doubt, however, whether such a regulation would be at once practicable and satisfactory in this country. On this subject I will at once avow my opinion, that I wish to see the registry of births and deaths; the registry, that is, of facts, as well as of religious rites, still in the hands of the ministers of the Church, first, because I think them the most competent to keep such a registry, and secondly, because a single register for all classes of the king's subjects would prevent much trouble and expense in ascertaining facts connected with birth or death.

Then I am told, that on the subject of municipal corporations the speech is still more vague and inconclusive. On that point I will appeal to the fairness of the House. A committee was appointed in the last parliament, to enquire into the state of municipal corporations. That committee, of which the present speaker was chairman, made certain enquiries. It found that it had not sufficient powers to conduct the enquiry satisfactorily, and it recommended the appointment of a commission to conduct it. On his recent appointment to office a right hon. friend of mine, to enable the government to consider their report, to weigh the evidence which they had collected, and to examine the suggestions which they had proposed, wrote to the municipal commissioners for the information which they had collected. I can have no reserve with the House, and it will perhaps be satisfactory to it to hear the answer of the commissioners. It is dated the 27th January, 1835. The commissioners state that their enquiries are now complete; that 293 municipal corporations have been visited by them; that 241 reports have been sent in; that 182 have been printed; but that the remainder of them are at that time unfinished. The commissioners further declare that they cannot state when their general report will be ready, but they express a hope that it will be finished in the month of February. They likewise declare that it is not their intention to present a partial report on any branch of the

subject unless they are specifically required so to do. Under such circumstances I contend that it would have been contrary not only to the practice usually adopted in such cases, but to the respect due to a commission appointed by the Crown, if the government had indicated in the king's Speech any definite measure of municipal reform. What would be the use of the commission, if in the very month in which it proposed to produce its report, government without even waiting to look at it, came forward with a measure of its own upon the subject? The report made by the committee of the House of Commons, of which their speaker was the chairman, on the subject of these municipal corporations, contains the following words. After expressing a decided opinion that a further and searching enquiry should be made, with a view to the adoption of a sufficient remedy, they say—"Having come to this conclusion, your committee are not enabled to offer any final suggestions as to the remedies which ought to be adopted; and being further of opinion, that from the defective nature of their enquiry, even those cases which they have examined ought to be subject to further scrutiny, they have thought it desirable, with very few exceptions, to abstain from pointing out particular defects, or animadverting on individual testimony, while there is a possibility that a different colour may be given to the case by future investigation." Is not this very passage a conclusive reason for suspending a judgment as to any specific practical measure? An hon. gentleman has asked me, and insisted upon having an answer to his question, whether ministers intend to give the ten-pounders, as they are called, the power of electing to all offices in these corporations? Now, to that question I must reply, that until I have had an opportunity of reading the report, and the evidence founded upon it, it would not be consistent with my duty to pledge myself as to what I will do upon any given point. If he were to ask me whether I have any conceivable interest in maintaining the abuses of corporations, or any prejudice in their favour, I would reply at once that I have no such interest, and no prejudice that will prevent me from giving a fair consideration to any plan for their amelioration—I will go the full length to which the government of Lord Grey went in the speech which they advised the king to make, after the appointment of the commission, but when, as at present, its enquiries were incomplete. The speech from the throne, in the commencement of the session of 1834, when Earl Grey was minister, contained these expressions—"Many other important subjects will still call for your most attentive consideration. The reports which I will order to be laid before you from the commissioners appointed to enquire into the state of municipal corporations, into the administration and effect of the poor laws, and into ecclesiastical revenues and patronage in England and Wales, cannot fail to afford you much useful information, by which you will be enabled to judge of the nature and extent of any existing defects and abuses, and in what manner the necessary corrections may, in due season, be safely and beneficially applied." I am prepared to adopt every word of that speech. I will go the full length of it, and why should I be required to go farther? I am not prepared to name any definite measure on the subject at this moment, but I will give to the suggestions of the commissioners every fair consideration. I will not, however, to conciliate a vote on this occasion, do that which is not only contrary to all usage, but also to my sense of what is the duty of a minister of the Crown.

I have been told that in the Speech from the throne not the slightest reference has been made to the subject of Church rates. It is well known that I supported the measure brought in by the late government for the transfer of the Church rates to the public revenue. That measure has met with great opposition from the Dissenters. I for one cannot agree to the extinction of Church rates. I think that there is an obligation on the state to provide for the repair of churches, but I also think that the charge of providing for that repair bears very unfairly on the land, and that subject is one which I had in view when in the king's Speech reference was made to "a method for mitigating the pressure of those local charges which bear heavily on the owners and occupiers of land, and for distributing the burden of them more equally over other descriptions of property." An interpretation has been put upon that paragraph, which is by no means intended. No new mode of general taxation is meant by it. It has a special reference to the report of the committee of last session on county rates, and to the relief of the agricultural interest from certain local burdens, of which the Church rate is one.

I next come to that part of the king's Speech which relates to the Church Com-

mission appointed by government. The subject into which it has to enquire is extensive and complicated, and I cannot promise the House to bring forward a measure upon it at a very early period. I will, however, tell the House what I have already done. On the vacancy of the first of those appointments in the Church which are usually called—I will not say rightly or wrongly—*sinecures*, I have advised the Crown to make no appointment to it, but to allow all the circumstances connected with it to be considered by the Church Commission. The appointment to which I allude, is a prebendal stall at Westminster, of the value of £1,200 a-year. I mean to take the same course on every other Ecclesiastical benefice of the same class that may fall vacant, that is, I will not fill them up for the mere sake of patronage, but will refer each to the consideration of the commission. Now, what is the practical course that has been adopted with regard to this prebendal stall? It has been found that in the neighbourhood of Westminster Abbey, dependent on its chapter, are two parishes, St. Margaret and St. John, with a population of 50,000 souls. In the first-named parish there are 28,000, and only one church; and it is an evident fact, that one minister must be inadequate to the due discharge of the duties of such a parish. The government has advised the commission to attach the stall to that living, making it a condition that additional spiritual instruction shall be provided for the parishioners. There is no house belonging to the minister of St. Margaret's. It is proposed to constitute the parish into a rectory, and to attach the prebendal house as a residence for the rector. This is the course which, on a future similar occasion, government intends to pursue with regard to St. John's parish, and I hope that if any delay shall occur in calling for legislative interference on this point, it will not be supposed that that delay is intended to defeat the object of the commission, but that it is required solely for deliberate consideration. I have not advised the Crown to appoint the Ecclesiastical Commission with any view to popular favour. I would not make the slightest sacrifice of the interests of the Church to obtain such favour. I have advised the commission for the single purpose of increasing the opportunities for divine worship, according to the forms of the Church of England, and of confirming and extending its legitimate influence among the people.

These are the general measures of government, the indication of which is to be found in the Speech from the throne. They are measures which, with the least possible delay, will be submitted to the consideration of this House. In rivalry to the address, an amendment has been proposed; and if the address is vague and inconclusive, the amendment is at least equally open to the same objection. It indicates no measure—it only states the hope of the House that the same principle which restored to the people the right of choosing their representatives, and which caused the bill to pass for the abolition of slavery, would be seen in the promised Church reform, and would place our Municipal Corporations under vigilant popular control. What can any one collect from such an amendment? What pledge is implied by a declaration, that the same principle which abolished slavery, should improve a corporation? Is it not evident that the amendment was produced with some other view than its professed one? Is it not evident that the framers of the amendment are afraid to recognise in it those measures which are called measures in the spirit of the Reform Bill; but in respect to which—to every one of which—they know that a difference of opinion exists among their own party? Why have they not inserted a word about the ballot? Why not a word about the repeal of the Septennial Act? Why not a word about the Pension List? Why not a word about the Repeal of the Union? They know that on all those measures, being the very measures which have chiefly occupied public attention, there is not one on which they can express unity of sentiment. No, they must go back a distance of three or four years to find some point of common agreement—to the time when their party were united on the question of the abolition of Slavery, and on the Reform Bill. They select the questions which are practically decided—which all the world admits to be finally disposed of; but the unsettled questions they dare not advert to. They shrink from a reference to the Ballot, the Septennial Bill, the Pension List, and the Extension of the Suffrage. They try to conceal their present differences, and dwell with vain regret on sympathies that once existed, and on agreements that can never be recalled,—

“*Quo desiderio veteres revocamus amores,  
Et dudum amissas flemus amicitias?*”

Oh, the time of their union and sympathy is now gone by. On this very evening, from ten different quarters, have notices been given of motions for carrying further the principles of the Reform Bill; but they shrink from the indication of any opinion on those motions in the amendment, because they know that this would lead to an open rupture amongst them. No, the amendment is proposed for the sake of involving in difficulty the noble lord (Lord Stanley) and his friends near him, who, because they concurred in supporting the Reform Bill, and the bill for the Abolition of Slavery, it is hoped may be caught in this trap, so insidiously prepared for them—the trap of compliment to measures in which they concurred, and of which they were the most prominent promoters. I feel confident of this, that those whom the amendment endeavours to embarrass, will have the firmness and good sense to see what is now the real question at issue. We know that this amendment is a mere superfluous eulogium on the Reform Bill, and that for Slave Emancipation. If the hon. gentlemen on the other side of the House ask whether I recognise those measures as measures which I should now support? I answer plainly, Yes. But if they ask me further, if I mean to act on the principles involved in them, I will refer to their own party struggles of the last two years, and will tell them that they themselves do not know what those principles mean. I will not say whether I concur in the remainder of this amendment. It was drawn up, I have no doubt intentionally, in such a manner that I should not comply with it. I know not what is meant by the phrase, “Remove all the undoubted grievances of the Protestant Dissenters.” Is this intended to exclude the grievances of the Roman Catholics? If so, my measure of relief in respect to marriage will go beyond that of the framers of the amendment. I request them not to hamper me and tie up my hands by their foolish amendments—not to restrict my measures of intended liberality, and compel me to confine, what I mean for the relief of all, to the case of Protestant Dissenters. As to that part of the amendment which speaks of correcting those abuses in the Church, which impair its efficiency in England, disturb the peace of society in Ireland, and lower the character of the establishment in both countries, notice has been given of a direct motion on the subject. The words imply, not that the Tithe Question, but that the Church of Ireland, disturbs the peace of Ireland. Now, this great question ought not to be disposed of by a vague and general resolution. I will frankly avow my determination not to accede to the amendment. Indeed, I cannot accede to it, without implying willing degradation on my part. I know the responsibility of the duties which I have recently taken on myself; but I will persevere in their discharge, because I fear the impossibility of constructing a government which could have stronger claims on the confidence of the public than the present. While any difference of principle remains as to the mode of dealing with the Church of Ireland, it will be a difficult task to reconstruct the government of Lord Grey. Indeed, no government could be formed without a selection of individuals from each of those numerous parties, which, though they are now acting in concert, have been but a few short months ago, and may be in a few short weeks again, in bitter hostility to each other. Take the question of Repeal of the Union with Ireland. Are there no differences of opinion on that point, which will prevent any lasting junction with the party by which the question was advocated?

The hon. and learned gentleman (Mr. O’Connell) has constantly proclaimed that no consideration could induce him to accept office under any government that did not consent to repeal the Union. But he now seems disposed to waive his scruples, and to consent to the cares of office, foreseeing the formation of a government, two-thirds of the members of which are, according to him, to be radical reformers. Suppose he is right in his anticipations. Suppose a government to be formed, purified, as they call it, from Lord Grey, from the noble lord (Stanley), and their friends, rid of the incumbrances which are said to have obstructed the march of reform—what prospect is there that they will be enabled to conduct a government which will conciliate the good-will of the intelligence, the property, the respectability of this country? You may try to overcome such obstacles, you may resort to the convenient instrument of physical force, but you will signally fail, and yourselves will be the first victims of the agent whose alliance you have invoked, but which you cannot control.

With such prospects I feel it to be my duty—my first and paramount duty—to



maintain the post which has been confided to me, and to stand by the trust, which I did not seek, but which I could not decline. I call upon you not to condemn before you have heard, to receive at least the measures I shall propose, to amend them if they are defective, to extend them if they fall short of your expectations, but at least to give me the opportunity of presenting them, that you yourselves may consider and dispose of them. I make great offers, which should not lightly be rejected. I offer you the prospect of continued peace—the restored confidence of powerful states, that are willing to seize the opportunity of reducing great armies, and thus diminishing the chances of hostile collision—I offer you reduced estimates, improvements in civil jurisprudence, reform of ecclesiastical law, the settlement of the tithe question in Ireland, the commutation of tithe in England, the removal of any real abuse in the Church, the redress of those grievances of which the Dissenters have any just ground to complain. I offer you these specific measures, and I offer also to advance, soberly and cautiously, it is true, in the path of progressive improvement. I offer also the best chance—that these things can be effected in willing concert with the other authorities of the state—thus restoring harmony, ensuring the maintenance, but not excluding the reform (where reform is really requisite), of ancient institutions. You may reject my offers—you may refuse to entertain them—you may prefer to do the same thing by more violent means; but if you do, the time is not far distant when you will find that the popular feeling on which you rely has deserted you, and that you will have no alternative but either again to invoke our aid—to replace the government in the hands from which you would now forcibly withdraw it—or to resort to that “pressure from without,” to those measures of compulsion and violence, which, at the same time that they render your reforms useless and inoperative, will seal the fate of the British Constitution.

The debate was adjourned to the 25th, and subsequently to the 26th instant, when, at a late hour, the House divided on the original question; Ayes, 302; Noes, 309; majority for Lord Morpeth's amendment, 7.

## SUPPLY—DISSOLUTION OF PARLIAMENT.

MARCH 2, 1835.

The House having resolved itself into a Committee of Supply, Lord John Russell put a question to the right hon. baronet, on the rumours respecting a dissolution of parliament.

SIR ROBERT PEEL said, Sir, it is always my wish to give the House as unreserved an explanation of the course which I mean to pursue as a public man, as is consistent with my duty as a minister of the Crown, and I do not require the additional time which the noble lord offers me for the purpose of being enabled to answer the questions which he has put to me. In answer to the first, I inform him, that I have not felt it my duty, in consequence of the vote of the other night, to tender my resignation to the king, and that I do intend to persevere in the course which I consider it my duty equally to the king and to the public to pursue, and, notwithstanding that vote, to submit to the consideration of the House those measures on which his Majesty's government have formed their opinion, and which they are prepared to introduce without delay. I am aware, certainly, that the House of Commons did, by a small majority, in an exceedingly full House—by a majority of 309 against 302, not pass a censure upon the government, but did by a majority of seven, imply a difference of opinion with that government as to the necessity of the late dissolution of parliament, and did imply an apprehension, which I think was unfounded, that measures which would be conducive to the general interests of the country would be interrupted and retarded by the appeal which his Majesty had thus made to the sense of his people. But I do not believe, that the majority which came to that vote did mean to imply an opinion that it was tantamount to a vote for the removal of his Majesty's ministers. There are many who concurred in that vote, who will nevertheless admit that I should not be acting consistently with my duty if I considered it significant of an opinion that I ought to retire from the post to which his Majesty has called me. Some hon. members who

voted for that amendment, and who spoke in the course of the debate, explicitly declared that such was not their construction of the vote. With respect to the Irish Church (for I shall take the several questions put by the noble lord in the order which will make my answers the most intelligible, though not possibly in the order in which they were presented to me), I beg to say, that I intend to present to the House the report which may be made by the commissioners of public instruction appointed by the late government. When I came into office, I ascertained that the commissioners had applied themselves sedulously to the duties that had devolved upon them, that they had completed their enquiries in nearly one-half of the parishes in Ireland, and that they were proceeding to make them in the remainder. Under these circumstances, his Majesty's ministers did not think it their duty, the commission having been appointed by the Crown, to interrupt its progress. On the contrary, without committing myself to the adoption of the commission, or of the principle of the measures which it may propose, I may say, with truth, that we have given every facility for carrying on the investigation. The noble lord has said, that I have declared that I will not found any measure upon the report of that commission. The noble lord has misunderstood my meaning. What I said was this, that I still remain of opinion, that ecclesiastical property ought not to be diverted from strictly ecclesiastical purposes. That is the principle which I have always maintained, which I still maintain, and upon which I am still disposed to act; but I do not preclude myself by that declaration from adopting any measures suggested by that commission, if I approve of them, and should they not be inconsistent with that declaration. On the subject of the corporation commission, I do not know exactly to what conversations in other places the noble lord alludes. I speak for myself, and of the course I mean to pursue. When the report of the corporation commissioners shall be presented (and I conclude that it will be presented in the course of a very short time, as we were led to expect it would have been presented at the conclusion of the last month, February)—I mean, when we are thus put in possession of the principles which it contains, and the evidence which it brings forward in support of those principles, I mean to give the evidence and the suggestions contained in that report the fullest and fairest consideration. I assure the noble lord, that I have no lurking prejudice in favour of the abuses of corporations. I cannot conceive what possible cause, particularly after the passing of the noble lord's bill, there can be of a political or personal nature, to give me any assignable interest in the defence of corporate abuses, or in the opposition to measures intended to remedy abuses where they are proved to exist, and to take effectual security against their recurrence. But I think it would be inconsistent with my duty as a minister of the Crown, after reviewing the report of the committee of 1833, of which you, Sir, were chairman, which states, that many remedies were suggested that would be fitting for small corporations, and would not be fitting for large ones—that the most popular corporations were not practically the most pure, that there were many points upon which further information was required, and with regard to which the committee themselves were not able at the time to give an opinion—I think, I repeat, that looking at that report, it would be inconsistent with my duty as a minister of the Crown, to pronounce an opinion, or to enter into engagements on this subject at present. Surely the most natural and the most becoming course for me to pursue, is to propose or promise nothing until I have had an opportunity of seeing the report of the commissioners—of weighing the evidence, and of examining the nature of the suggestions which it contains. I have the honour of presiding over a corporation; I will venture to declare that if the result of this commission should be to prove the existence of any abuses, they will give their unanimous assent to any improvement that may be calculated to remedy them. I say, then, on behalf of the corporation over which I have the honour to preside as high steward, and with regard to all other corporations, I am as free as the noble lord can be, free in respect to public engagements, free in respect to interested motives, personal or political, to give an unprejudiced consideration to any measure intended either to correct actual defects, or to conciliate towards them more of public opinion and confidence. I am determined, however, to see the nature and extent of the abuse, and the nature and extent of the remedy, before I commit myself upon the subject. As to the last question, the first indeed in point of importance, though not of order

—that with which we were threatened on a former day, but from which the noble lord has himself receded—it seems to me very possible that in the interval the noble lord has referred to a question put to Lord Grey in another place, on a similar subject, in the month of April 1831. There were at that time general rumours of an intention to dissolve parliament, and not without foundation, for the question was put on the 21st of April, and on the 22nd of April the two Houses were dismissed. I find the matter thus reported. “Lord Wharncliffe said, as an allusion has been made by the noble lord (Farnham) to certain reports that are in circulation on the subject of a dissolution of parliament, I wish to ask his Majesty’s ministers whether there is any truth in the statement, that they have advised his Majesty to dissolve parliament, and that it has been resolved to adopt that course? I ask this question, because, if I should receive an answer in the affirmative, it is my intention to adopt some measure in relation to the subject, and, I can assure the noble earl opposite, very speedily. Earl Grey replied:—“I believe the noble lord’s question will be admitted to be one of a very unusual nature, and I can hardly bring myself to believe that when he put it the noble lord expected an answer. But whatever the noble lord’s expectation may have been, I have only to say, I must decline answering the question.” Now, if any rebuke (continued Sir Robert Peel) ought to be administered to the noble lord, for having thought of putting such a question, or for extracting an answer to it if put, it will I am sure be more palatable to the noble lord to receive that rebuke from Lord Grey, than from myself. But I will be more explicit than Lord Grey. The noble lord asks me whether I have countenanced the rumours that are prevalent? I tell him at once that by no act, and by no expression of mine, have I directly or indirectly sanctioned such rumours. I will tell the noble lord, also, with equal fairness, that I never have discussed with any body the case hypothetically, in which another dissolution might be necessary or justifiable. I should think it disrespectful to the House of Commons if ministers were to discuss such a contingency, and most unbecoming to hold out any menace to the House as to the possible consequence of any course of proceeding it might think fit to adopt. Therefore, in answer to that question of the noble lord, I tell him at once that I am not responsible for the rumours, having neither originated nor sanctioned them. The other rumour by which the noble lord has been disturbed, relates to the supposed intention of government to govern by a standing army in case the House of Commons should refuse to pass the Mutiny Bill. This alarming report is, I trust, of very recent origin; for I can declare with perfect truth, that the first time I ever heard the whisper of it was from the lips of the noble lord, and that like many other reports, which give uneasiness to weak and credulous persons, it is utterly without foundation. As to that other question with which the noble lord threatened me the other day, but which he did not put on this occasion, though I came down fully expecting that it was the main object of his enquiries,—namely, whether or not I would pledge myself that the prerogative of the Crown in reference to a dissolution of parliament, should not be exercised under any possible contingency, I will not take advantage of the noble lord’s forbearance and reserve, but will give him my answer though he has withheld his question. I have already stated that I never, directly or indirectly, sanctioned the rumours that have prevailed on the subject of future dissolution, and that by no act or expression of mine was any warrant given to them. I stated further, that it would be most unbecoming in me to fetter the discussions of the House of Commons by any, the slightest, menace of contingent dissolution; but I must at the same time say, Sir, that it would be equally unbecoming in me, as a minister of the Crown, to consent to place in abeyance any prerogative of the Crown, or to debar myself by previous pledges from giving to the Crown, as a Privy Counsellor and a responsible adviser, that advice, which future exigencies of the public service might require me to give. I have thus endeavoured to give an answer to the various interrogatives put to me by the noble lord, and I think I may venture to anticipate that my answers have quieted some of his alarms, and on the whole have been satisfactory.

After some conversation, the Chancellor of the Exchequer made a motion, that Mr. Bernal be called on to resume his place as chairman of the Committee of Ways and Means; which was agreed to, and the House resumed.

## ORANGE LODGES (IRELAND).

MARCH 4, 1835.

In a conversation, resulting from the presentation of several addresses from various Orange Lodges in Ireland, Mr. John Stanley asked the Chancellor of the Exchequer whether when petitions were presented to the Throne, supposed to originate from unrecognised societies, it had ever been the practice to add to the acknowledgment of such petitions the words "graciously received?"

SIR ROBERT PEEL could not exactly answer the question of the hon. gentleman. He apprehended that a great deal must depend upon the language of the petition. [No, no!] A great deal must depend upon the language of the petition. [No, no!] Language might be used in a petition to the throne, coming from a body, calling itself a political union, or a trades' union, of such a nature as might alone justify a minister in refusing to present it; but he apprehended that a petition coming from a trades' union would not on that account alone be refused by the minister. He had himself heard discussions in parliament, on the occasion of the Speech from the throne having denounced political unions, whether the House of Commons would be justified in receiving petitions coming from such unions, and the sense of the House was, that they ought to be received. [No, no!] Did the House uniformly reject petitions, because they professed to come from political unions, or from persons calling themselves members of a political union? With respect to the addresses presented to his Majesty, he apprehended that it would be a most painful duty to be imposed, either on his Majesty or his ministers, to refuse receiving those addresses, on account of the presumed illegality of certain acts performed by the persons who signed them. The rule ought to be to widen, rather than contract, the avenue, by which the people might approach the throne. He was certain that that was the principle upon which the House would act. On the part of the Crown he would say, "You must apply your principle uniformly." If the House of Commons did not enquire too narrowly into the character of the parties who petitioned it, nor undertake to presume the illegality of bodies signing petitions, it was but natural that his Majesty should receive petitions from his subjects, without a very minute enquiry into the particular societies from which they came. Then, with respect to the exact nature of the answers of the Crown to parties addressing it, they were but mere matters of form. Indeed, no actual answer was given, for the words amounted only to an acknowledgment that the addresses had been received. He did not exactly recollect what the rule was, but the usual terms, he believed, were that the petitions or the addresses (as the case happened to be) had been graciously received. At all events, he was sure that it was a good rule to pursue, unless they were always to assume that the petitioners or addressers were members of an illegal body.

MARCH 6, 1835.

Mr. Sheil rose to move, "That there be laid before the House copies of the letter written by Lord Manners to the Rev. Mr. Johnson respecting the legality of Orange Societies, and of the opinion of the Attorney and Solicitor general respecting such legality, given in the year 1827; also, of the addresses to the King from several Orange Lodges on the 5th of December last, and of the answers to the said addresses."

In reply to some remarks by Mr. Feargus O'Connor—

SIR ROBERT PEEL was very happy to hear, that the hon. and learned gentleman who had just sat down was going to substitute moral strength and power for the irritable and inflammable qualities that had formerly been exhibited on that side of the House; but he really could not find, in any thing that had occurred in the course of that debate, any justification for even that degree of mitigated warmth which the hon. gentleman had displayed in the course of his address to the House. He must say that the hon. and learned gentleman appeared to him to take fire very easily, and boil at a very low temperature. He thought he could convince the hon. and learned gentleman, that there was nothing on the present occasion to justify the ebullition which he had just exhibited. He had told

them, that now the Irish members were supported by a powerful party, they were determined to try their strength. Now, what was the question before them? The hon. and learned member for Tipperary (Mr. Sheil) had given notice, for the information of the whole of the House, that on that day he would move for the production of certain documents—namely, the addresses to the Crown from the Orange bodies, and the answers returned to them by the Secretary of State, thinking that on the production of those documents he should be enabled to found some measure criminatory of that member of the government. The Secretary of State said, “I am perfectly willing to accede to your motion, in which I am myself concerned, and to produce the Orange addresses and the answers thereto. I am perfectly willing to follow out the objects which you declared you had in view in the notice you gave, and as far as I can have a personal or political interest, to promote them.” But the hon. and learned gentleman did not adhere to his notice, but got up, and without any notice whatever, moved for the production of a letter written by Lord Manners in 1827, and the opinion of the officers of the Crown of the legality of these societies. “I say,” continued the right hon. baronet—“I say to the hon. and learned gentleman, take your division on this point, and if you have a majority, I would infinitely prefer being in the minority for opposing, than in the majority for acceding, to it. I say, in the first place, your notice misleads us; and when you give notice of a motion for the production of documents dated in 1834, relating to the Secretary of State, and he says, ‘I am willing to produce them,’ I say, in the face of any majority, that it is not fair, without the slightest notice, to make a motion for the production of a letter written by the Lord Chancellor of Ireland in 1827. It might or it might not be right to produce it, but he would say that it was not fair to call for its production without previously giving notice of the intention to move for it. It tended to diminish the confidence of the government in their notices, and to mislead them, when they gave notice of a motion for the production of one document, and then moved, without notice, for the production of another, with no possible reason for so doing. What motive could they possibly have for refusing the production of those documents, if, consistently with the ordinary and constitutional practice, they could lay them before the House? He had sat in parliaments which had evinced extreme unwillingness to receive the opinions of the law officers of the Crown—he had sat in parliaments which had said, ‘The opinions of your law officers are nothing to us, and we will not be bound by them; we distrust the opinions of the law officers of the Crown on questions of constitutional law;’ and when a proposition had been made by a Secretary of State for the production of such documents on a question in which his own political conduct was implicated, he had seen men, claiming for themselves the title of friends of constitutional liberty, the first to oppose the production of the opinions of the law officers of the Crown. The present question, therefore, was one demanding the gravest consideration. He could have no interest in opposing the motion, but he thought he had a right to call upon the House not to decide in favour of the production of these documents until after regular and proper notice had been given. He trusted the hon. and learned gentleman would divide, and show the House, if he had no moral force on his side, what was his boasted physical strength. He had that confidence in the manliness and fairness of the hon. and learned gentleman, that he did expect him to redeem his pledge, and take the sense of the House upon the question. What was the question after all?—the only question on which the hon. and learned gentleman could take the sense of the House? Government had promised to produce the addresses and answers, and the only question was, whether the additional document should be produced which had been moved for, without any notice having been given. What was the drift of the hon. member’s speech? If the motion had any object at all, it was this, not whether, in compliance with the form that prevails on such occasions, the Secretary of State had returned certain answers, but whether, in point of fact, there had been any intention shown on the part of government to countenance certain exclusive societies. The hon. gentleman opposite had said, in reference to him, that when he was in office as secretary for Ireland, he had found it convenient and necessary to encourage those confederacies, and to look for their support. He would follow the course the hon. member had taken in his speech, and show that in attempting to found the charge against this government, which

he had endeavoured to substantiate, he must himself have been sensible of the reply which it was in the power of the government to make. He would read to the House the language he had made use of in 1827, when speaking on the subject, and he would beg them to remember, that that was the period when he was supposed to be an encourager of Orange associations. In the language which he had used the other night, he had expressed himself, as at present, averse to such associations, and he should now show that he had never thought it necessary to encourage them. He was aware that it might be said, that he afterwards changed his opinions as to the relief to be given to Catholics; but the period of which he was now speaking, was in 1827, when he certainly was opposed to the removal of the Roman Catholic disabilities, and this was the language he then used:—"First, however, he must be allowed to say, that he heartily wished all these associations were at an end. He believed that they were dying away; but at the same time he agreed with the right hon. baronet, that if the processions were done away with, it would be better for the peace, the tranquillity, and the happiness of Ireland. Any opinion, therefore, which he might hold—any of the strong opinions which he was known to entertain respecting Catholic Emancipation,—could not fairly be supposed to influence him upon the present question. If he were a private gentleman in Ireland, he declared to God that he would, by his influence, by his example, by every means in his power, endeavour to put down these associations and processions." Did this imply any desire on his part to encourage these associations? Did this show that any alteration in his opinions on the subject of the Catholic claims, had influenced his sentiments with regard to these associations since 1827, at which period, although himself opposed to the Catholic claims, he had endeavoured to put them down, and expressed his belief that, if they were done away with entirely, it would be better for the peace, the tranquillity, and the happiness of Ireland?

Mr. Sheil. That was precisely what he wished to show. It was to this very statement of the right hon. baronet that he had referred.

Sir Robert Peel would then ask, whether this was not in direct opposition to the argument, that he had first encouraged, and afterwards opposed, these confederacies?

Mr. Sheil begged to interrupt the right hon. baronet for a moment. He had never charged him with having encouraged these societies.

Sir Robert Peel was putting the accusation in the form in which it had been put by the hon. and learned member for Cork (Mr. Feargus O'Connor), and he was contrasting the arguments of the hon. and learned member for Tipperary (Mr. Sheil) with those of that hon. and learned gentleman.

Mr. Feargus O'Connor. I give the right hon. baronet credit for assuming the two distinct characters.

Sir Robert Peel. That was the point on which he was desirous to set himself right with the House. He was anxious to show that he was not entitled to the honour of those two distinct characters on the subject of Orange associations, and never had been. When he opposed Catholic emancipation in 1827, he had earnestly desired the discouragement of those associations in every possible way; that had been his uniform course, and he had never assumed two characters with reference to the subject. But it had been said, that there was a Mr. McCree, from whom he had received an address. He had received an address from Mr. McCree, and, if he had been desirous of encouraging those associations, would he not, in his reply, have omitted all reference to them? Had he done so? On the contrary, he had distinctly stated in his answer, that he totally differed in opinion with Mr. McCree, and that he could not agree with him; that it was not desirable to fritter down the law, which had established perfect equality and justice between all his Majesty's subjects. Again, it had been said, the constitution of the present government was such as to destroy all confidence on the part of Irish members. They had been told, that in 1827, when there was a discussion about Orangemen, the very person who brought the question forward, and expressed himself most strongly against Orange associations, was the right hon. member for Montgomeryshire, and he had been selected by his Majesty as a member of the present cabinet. Well, but was it likely, if there were any desire to encourage confederacies of an exclusive nature on the part of the government, that his Majesty would have selected for his adviser the

very man who, according to the hon. gentleman's statement, had directed his voice and influence against Orange associations in 1827? [Mr. Sheil: In 1830.] The difference was of no great importance; it did not affect the force of his argument. The question, after all, was not as to the precise legality of these associations. It was possible that associations might strictly conform to the law, and yet, that all the evils to which they gave birth, might be lasting. These evils would not be cured by making them conformable to the law, because the real danger was not the breach of the law, but the encouragement and dissemination of angry feelings. If such an association were formed, so as to conform strictly to the law, but still so as not to free it from the promulgation of angry and malignant feelings, though such an association would be within the verge of the law, it would not be freed from that which was the real objection. They could not pass an act that no Orange lodge should be formed excluding Roman Catholics. They might, indeed, say that no oaths should be administered to an Orange association, or that the test of an Orangeman should be, that he took the oath of allegiance; but he could not see how they could object to their not receiving any particular class of persons into their associations. His opinion was, that the course followed by the opponents of those associations was, in many respects, unwise. They had been taunted, threatened, and provoked; and now the feeling, which in a great measure kept them together, was, that they would resist the threats and despise the taunts which were heaped upon them. He had never sought to conceal his opinions upon this subject; he had never supposed that a conformity to the law would remove the real objection to these associations; he had always been of opinion, that the best mode of proceeding with reference to them, was to adopt that tone which would not only induce them to conform to the law, but which would enable them to form some sense of the danger of encouraging angry feelings, and the memory of fends, which were no longer called for, and which ought to be buried in oblivion. To those who wished for the tranquillity and peace of Ireland, he would say, that they ought not to set the example of establishing these dangerous associations themselves; and, above all, that they should avoid language which might tend to keep up the feelings which engendered them. But, with regard to the particular question before the House, he was surprised at the manner in which it had been discussed. It was a privilege secured to the king's subjects by the bill of rights, that they should lay their petitions before his majesty; and, he would ask, would it be proper or wise that the king should stop to make minute enquiries, as to what particular association the persons sending the address belonged to, or what particular opinions they held, before he received their addresses? No doubt, the hon. member would be able to show, with respect to political unions, that before they were denounced by proclamation, the king had received their petitions, and that the king did not inform them they had forfeited the common right of his subjects. Was it not clear, then, that his right hon. friend, in following the ordinary practice of his office, had not the slightest intention to pronounce an opinion on the legality or illegality of the body from whom the addresses had come, but merely, in conformity to that practice, to return the usual answer? If this principle had been acted upon in the case of the political unions, why was it objected to in the case of the Orange association? It was an attempt to narrow the right and privilege of the subject to address the Crown, or to cause the Crown to enquire into the particular opinions or associations to which those persons belonged who did address it, and, in that way, to prevent those opinions being conveyed to the sovereign, or to parliament, in the manner most palatable to those who wished to express them. If these bodies were illegal, why were they not put down? Hon. gentlemen would seem to assume that they were illegal—if they were, would there be no difficulty in suppressing them? Although he considered that they led to irritation, he was not satisfied of their illegality; but if they were illegal, why not institute a prosecution against them? If they were illegal, let them be prosecuted; but, if they were not, his earnest advice was, to set an example of forbearance, and let the advice conveyed to them be in friendly terms; for then he was confident that it would have a much more salutary impression than the most violent and menacing language that could be resorted to.

After a long and angry discussion, the motion—withdrawing the part objected to—was agreed to.

## CANADA.

MARCH 9, 1835.

Mr. Roebuck presented a petition from certain members of the Legislative Council and House of Assembly of Lower Canada, complaining of the grievances under which they laboured.

SIR ROBERT PEEL:—I beg to assure the hon. member who has just concluded, as well as the House at large, that it is because I wish to act upon the advice he has now given me, and because I desire to view the subject dispassionately, and divested of the difficulties in which it is sought to immerge it, that I rise for the purpose of deprecating the continuance of a discussion which, in my humble opinion, is neither likely to conduce to the amicable settlement of the unfortunate difficulties that prevail between the Canadian colonies and the British government, or to place the question in a point of view which will make it more intelligible, or less intricate to those to whom its several bearings are imperfectly known. I do hope, Sir, that this debate will not be continued; but should it not meet the wish of the House that it should here stop, I do trust that it will be continued without any farther reference to Mr. Papineau or his actions, to the Canadian party as opposed to the English party, or, in short, without further reference to any of those exciting and unincidental topics with which it has pleased the hon. and learned member for Bath to charge his speech. I am, however, inclined to hope that the course which his Majesty's government have resolved upon pursuing in reference to the subject, and which I am now about to announce, will be deemed a conclusive reason why the advice of the hon. member for Worcester should be generally followed, and why this discussion should, at all events for the present, be brought to an end. Before, however, I proceed to state the intentions of the government, I must be allowed to say a few words in answer to an observation of the hon. and learned member for Bath. Referring to the great delay which has taken place in the settlement of the disputed matter, the hon. and learned member said, he attributed it altogether to the frequent changes which had of late years occurred in the office of Secretary of State for the Colonial Department, and concluded by recommending that a fixed office, not determinable on the changes in the administration, should be created for the management of Colonial affairs. Such a remedy, I do not hesitate to say, is one altogether incapable of adoption. The Executive for the time being, it is quite evident, must, as a body, be answerable for the management of the highly-important affairs coming under the jurisdiction of the Colonial Department. Now, how could that responsibility be attached to them if they were to have at the head of that department an officer altogether independent of their control, and totally irresponsible to them for any acts he might direct in the management of those affairs? Such an arrangement could not be satisfactory to any of the parties concerned in colonial affairs; and, great as might be the inconvenience attendant upon frequent changes in the office of Colonial Secretary, I am prepared to maintain that the remedy proposed would be far from an improvement. I think I can, however, satisfy the hon. member, that at all events the recent change in the administration has not prejudiced the consideration of the present question, and that it shall not do so. I am ready, on the part of my noble friend the Secretary for the Colonies, to give the hon. member every pledge he may desire. On the appointment of Lord Aberdeen, he found this Canadian question in precisely the same condition it was left by the committee which sat in 1830. The right hon. gentleman opposite has stated that, when removed from office, he was on the eve of proposing to his colleagues in office certain principles on which a settlement of the question should be sought. I believe that to have been the case; but, as the right hon. gentleman has stated, of those principles no record was left by him at the Colonial Office. For my part, and I am sure I may say the same on the part of my noble friend, I much wish that such a record was in our possession, because, in addition to the opportunity it would have given us of testifying our respect for the opinions of the right hon. gentleman, it could not but materially have assisted us in the task we had to perform. The right hon. gentleman's motive for taking with him all the documents he had prepared on the subject,



no one can question; it was that his successor in office should not be embarrassed by his views in forming his decision; but, much as I am disposed to do credit to the proper spirit which characterised his conduct, I cannot help repeating my regret that Lord Aberdeen should not have had the benefit of his opinions. However, notwithstanding the recent change of government, and notwithstanding, also, the arduousness of the duties in which, immediately on his appointment as Secretary for Colonial Affairs, he finds himself involved, I am happy to say measures have already been taken to ensure a settlement of the differences. On our taking office, we felt that the question demanded instant consideration, and we accordingly had it communicated to the Colonial authorities that we were determined at an early period to proceed to the settlement of the disputes. With this view we authorized Lord Aylmer to inform them that his Majesty had determined to send out to Canada a representative totally unconnected with local politics, altogether unembued with local prejudices, and completely unmixed in Canadian affairs, who should be enabled on the spot to take a whole view of the subject, and being in full possession of the opinions and intentions of the government here upon the several matters in dispute, might report upon the best and most satisfactory means for bringing them to a final adjustment. This is the course we propose to adopt. We felt the greatest difficulty in bringing the matter to a conclusion by written communications. There might be misunderstanding on some points, misinterpretation on others; and the distance between the two points rendering the clearing of those misunderstandings and misrepresentations a most tedious and difficult process, we, after mature deliberation, came to the resolution, that it would be better to send out a person in full possession of our views and intentions in the several matters to be adjudicated, and enabled to enter into full communication with the Canadian authorities upon them. Our final intention is, upon a report of the real state of the case being made to us, to remove what is justly obnoxious, and in place of it, to propose those measures which we believe to be consistent with justice to the parties concerned, and with sound policy as regards the general interests of the country. Under these circumstances, I think the House will feel that I take the most prudent course in declining to enter further into the subject at present; and I, at the same time, hope they will agree with me in the opinion, that the course most likely to bring about an amicable settlement of the dispute, is that which his Majesty's government have adopted. We do not mean to disregard the petitions of the Canadian population, but we mean to appeal to their sense of reason and justice; and we believe, firmly believe, that our appeal will prove successful. We will give their claims every just consideration; but, at the same time, I am bound distinctly to state, we do not mean to declare any new principle of government in the Colonies. Our object is to see of what it is the Canadian people complain, and then to see to what extent those complaints are founded in justice. If we find they are not founded in justice, our aim shall be to prevent their continued and useless agitation; but if, on the contrary, we find they are founded in justice, we shall apply ourselves in a spirit of conciliation, and without regard to the epithets of contumely and insult previously heaped upon us, to their permanent and satisfactory removal. Having stated thus clearly what is the course we have resolved upon pursuing in reference to this question, I beg to assure the House, I shall not occupy their attention by any comment upon the numerous and unincidental topics introduced by the hon. member for Bath into his speech. One word, however—a sense of justice compels me to say in defence of the noble lord, the member for North Lancashire, whose conduct has been so unjustifiably attacked by the hon. member who originated this discussion. Sir, I do not believe that the conduct of any ministry of this country, or any public man, minister or otherwise, was ever exposed to so severe an ordeal as that of the noble lord to whom I allude; and I may say further, I doubt whether any man could go through such an ordeal with more honour or credit to his character than did the noble lord. While a minister of the Crown, that noble lord went before a Committee of the House of Commons—a Committee indiscriminately chosen—having on its list many members adverse to the policy of the government with which he was connected—a Committee as fair a representative of the average opinions of that House as could possibly be selected—a Committee as fully the representative of the interests

of the Canadian body, as of the British party in Canada—before such a Committee the noble lord went, and, after producing to them every document, public or private, his office contained, left it to them to judge whether the complaints brought against him were founded in justice or otherwise. Sir, I repeat, I know of no example of a minister having taken such a course to free himself from accusation, and much less of a minister, after taking such a course, passing through the ordeal so honourable to himself and his character, as did the noble lord. As far, therefore, as the accusation of the hon. member for Bath is concerned, I think the noble lord best consults his own dignity by treating it with indignant, or rather contemptuous silence. I would here, Sir, cease to occupy the attention of the House, were it not that there occurs to me one other point in the hon. member for Bath's speech, which I do not think I ought to pass over without notice. The hon. member has been pleased to threaten us, that unless every thing the Canadians ask for is granted them, they have determined upon rebellion. Those, I think, were the expressions of the hon. and learned member. He also undertook to assure us, that thirteen million inhabitants of the United States of America, a country with which Great Britain at this moment enjoys the profoundest amity, a country with which Great Britain is almost daily interchanging expressions of most friendly feeling, a country with which Great Britain has scarcely a subject of difference—their old jealousies being now removed, and each, conscious that the prosperity of the other must influence its own prosperity, reciprocally desiring that peace, tranquillity, and good order might flourish in the other—such, Sir, I say, being the state of the two countries, the hon. gentleman thinks fit to declare that if a rebellion should break out in Canada, the whole of the United Provinces are prepared to interfere in our domestic quarrels, and join these rebellious Canadians. Now, Sir, I will not do the United States the injustice to believe, even for a moment, that they, or any one on their behalf, could have authorized the hon. and learned member to make such a declaration within the walls of the British House of Commons. I have too high an opinion of their justice and integrity; but even if that opinion were wanting, I entertain such a sense of their shrewdness, common sense, and discretion, that I cannot believe they would select as their organ in this House, the hon. member who has thought proper to represent himself in that capacity. With respect to his declaration of the intentions of the Canadians I have also a word to say. I think, Sir, it is far better for me, instead of being exasperated by the language the hon. and learned member has been pleased to put, as it were, into the mouths of the Canadian party, of whom he says he is the representative, and instead of demeaning myself by retorting equally hard words and unworthy expressions, simply, and in the plainest language, to state, that I both hope and trust the hon. gentleman has had no authority from that party to tell the British House of Commons, that, unless all their demands are acceded to, they will have recourse to rebellion. Indeed, Sir, painful as the alternative would be, I should be rather inclined to believe that for the moment—I say, Sir, only for the moment—the wisdom and discretion for which the hon. and learned gentleman is so remarkable, forsook him, than to suppose that he gave us a correct report of the intentions of his, as he has been pleased to term them, constituents. But if, on the other hand, it should turn out that his information is correct—if it be true that the Canadian people, or any part of them, have instructed the hon. member to act in the capacity of their minister at war, and to declare in the British Parliament that they are prepared to rebel if all their demands are not acceded to—I, as minister of the British government, will meet them, not with any counter declaration of hostility, but, with the hand of peace and friendship grasping theirs, I will say to them, “Still we intend to do you justice—still, notwithstanding we derive from your menaces a fresh source of strength—although by your threats you arm us with fresh means of arousing public opinion on our side—and although by your unfounded accusations, which in the end will recoil on yourselves, and give us the strength to disregard your vaunting, you induce a fresh conviction of your injustice and intemperance, we are determined to go on unflinchingly in the course we have set out on; and, by removing all fair ground for complaint, take from you even the pretence for asserting that his Majesty's colonial subjects do not meet from the British government that consideration and attention to which they are entitled.

Mr. Hume, Mr. Baring, and Mr. Labouchere having addressed the House,—Mr. Sheil rose, and was proceeding to read from the report of the committee a copy of a despatch, dated Colonial Office, 1830, when,—

Sir Robert Peel objected to the course which the hon. and learned member was pursuing as unparliamentary and unprecedented. The hon. member was reading to the House quotations from the evidence taken before a committee of the House which had never been laid on the table, and which was, consequently, not within the cognizance of the House.

Mr. Sheil stated that he had found the report on the table of the House, and had only made the same use of it as his hon. friend the member for Bath had done, without incurring the reprehension of the right hon. baronet.

Sir Robert Peel said, that he had expressly desired to avoid entering into the subject, because the effects of a preliminary discussion might have the effect of prejudicing the question at present pending. He thought the Canadian House of Assembly was a fitter place to entertain complaints of the nature of those contained in the petitions in the first instance than the British House of Commons, to which an ultimate appeal only ought to be addressed.

Mr. Roebuck having replied,—

Sir Robert Peel said, that if the first speech of the hon. gentleman had partaken of even a portion of the spirit of forbearance which pervaded the second, no observations should have fallen from him which contained a syllable of reproach or invective. He congratulated the hon. member on the altered tone of his second address, which he said was conceived and expressed in a far wiser, better, and more temperate spirit than the first. He would add, that every possible degree of caution had been used in the selection of the individual who was to be sent to Canada as the representative of the British government; and every necessary power had been conferred on him to settle the questions at issue between the local executive and the legislature. He had also to state, that a notification of the appointment, and an intimation of the probable time of his arrival, had been sent to the Canadas upwards of six weeks since.

The petition to lie on the table.

## THE MALT DUTIES.

MARCH 10, 1835.

In the debate arising out of the Marquess of Chandos's motion, "That it is expedient that the present duties upon malt shall altogether cease and determine,"

SIR ROBERT PEEL spoke to the following effect: The course which I intend to pursue in the present debate, makes me peculiarly anxious to rise at an early period of the discussion, when I am not likely to be diverted by any reference to topics of party excitement from the attempt to call the attention of the House—not to matters mixed up with political considerations, affecting merely the interests of parties in the state, but to the review of those facts and arguments upon which their judgment ought to be formed, and the exclusion of which from their consideration would, in my opinion, produce the most serious prejudice to the best interests of the country. The question which must this night be decided involves interests so complicated and comprehensive, as to impose upon the House—upon that jury of which the noble marquess has spoken, the solemn obligation of finding their verdict upon the dictates of their conscientious conviction. I too call upon this jury, impannelled on this high occasion, to decide, not on partial opinion, not upon promises rashly and inconsiderately made, not upon unsound prejudices, not with reference to the particular interest of any one class of the community, but as becomes a jury, upon a comprehensive view of the merits of the whole question, upon a calm consideration of the evidence I shall offer, and the arguments I shall adduce.

I am called upon to consider this question—namely, whether I can consent to a resolution which pledges me irrevocably to the total repeal of the malt-tax. I am called upon to consent to that resolution, at a period when the House has had no opportunity of hearing any financial statement—at a period when it knows not from

any authentic declaration what is the amount of the demands for the public service—what is the amount of disposable revenue—before it has had any opportunity of considering any other claim for the remission of taxation: I am under these circumstances called upon to pledge myself irrevocably to deprive the public revenue of several millions of money. If such a motion as the present is at any time defensible, I appeal to the House, whether it ought not to have been postponed at least till after an authorized exposition of the national means had been laid before the House? It will be my duty to make such a communication to the House as soon as possible after the close of the financial year—namely, the 1st of April; I shall then have an opportunity of describing to the House the state of the public revenue, and the amount of the demands for the public service, and the House being thus put in possession of the actual amount of the surplus, may appropriate it either to the remission of taxation, or in any other way it may think expedient. The noble marquess, however, would not wait for this explanation, but has called upon the House, in fact, to exclude the consideration of every other interest, except that which he advocated, by pledging itself that the malt-tax should be the first, and I need scarcely add the only, burthen of taxation it would repeal. Thus forced into a discussion, which I think ought to have been postponed, it becomes necessary for me to enter on the task of convincing the House of the impropriety of acceding to the noble marquess's proposition, and of cautioning it against the consequences which would result from a precipitate, and in my opinion unjustifiable, pledge to repeal the malt-tax.

Of course, I am unable to develop with perfect accuracy the financial prospects of the ensuing year; but I may refer to a statement made by my predecessor in the office which I now fill, which I apprehend is correct enough, in its results at least, for all practical purposes. The noble lord (Lord Althorp), in his budget last year, after providing for the repeal of the house-tax, made a calculation of the probable available surplus for the year beginning the 1st of April, 1835, and ending the 1st of April, 1836. It is sufficient for my purpose to state, that although in some respects the calculations of Lord Althorp are erroneous; yet I think that, upon the whole, the result at which his lordship arrived is not far from the truth. Lord Althorp estimated, that the demands for the service of the present year would be identical with those of the last. I, however, have the satisfaction of stating to the House, that I trust there will be a considerable reduction in the estimates for the present year. I believe that the estimates for the ordinary service of the year will exhibit a reduction of at least £470,000. Although this will of course increase the available surplus revenue; yet, as there are miscalculations in the statement of the noble lord (for which his lordship is in no degree responsible), as to the amount of charge on the consolidated fund, the correction of which will diminish the amount of surplus revenue to an extent not very far short of the saving on the estimates, Lord Althorp's estimate of the amount of available surplus is upon the whole not an inaccurate one. Lord Althorp calculated, that on the 5th of April next the revenue would exceed the expenditure by about £250,000 I think, and after reducing nearly half a million on the estimates, I cannot calculate upon having a greater surplus than £250,000; I mean, of course, after providing for £750,000, an annual charge for compensation to the West-India proprietors, and after the revenue has been subjected to the operation of the repeal of the house-tax.

In this state of our financial prospects, with a surplus of £250,000, the noble marquess requires the House to pledge itself on this night to the repeal of the whole of the malt-tax. Now, what is the total amount of this tax? I believe, that the gross produce of the malt-tax last year was £5,150,000; but perhaps it would be more satisfactory to the House if I were to state what has been the net amount paid into the exchequer for the last four years on account of this tax. That will afford the best indication of the productiveness of the impost. In the year ending the 5th of January, 1832, the net sum paid into the Exchequer on account of the malt-duty was £4,208,000; in the year ending the 5th of January, 1833, the net amount was £4,675,000; in the year ending the 5th of January, 1834, it was £4,772,000; and in the year ending the 5th of January, 1835, it was £4,812,000. Thus, then, it appears, that with a surplus of only £250,000, the House is called upon to sacrifice a revenue—and observe, a gradually increasing revenue, of £4,812,000; that is to say, it is required to cause a defalcation, an actual deficit, of £4,562,000.

The noble lord has told the House, that by repealing the whole of the malt-tax, all the expense consequent on its collection will be saved to the country. Of course, there can be no doubt that, in determining on the policy of a tax, the charge of its collection is a material consideration. For that very reason, I have taken the pains to ascertain what is the charge at which the malt-tax is collected; and I venture to say, that there will be found few taxes, the collection of which is accompanied with less expense to the public than the malt-tax. I have endeavoured to ascertain what extent of establishment might be dispensed with, supposing that it should be determined to part with the whole of the malt-tax. It is of course difficult to estimate the precise charge of collecting any particular tax, because the same revenue officers are employed in the collection of various taxes, but it is not difficult to determine what charge may be got rid of by repealing a tax; and this, indeed, is not an unfair indication of the expense entailed on the country by that tax, as the charge for its collection. I think, then, that I can with confidence state, that the charge of collecting the gross revenue of £5,100,000, derived from the malt-tax, is certainly not more than £150,000; and I do not believe, that it is possible to make any reduction, in respect of establishment, which would save the country a larger sum than that which I have just mentioned, if the House should consent to repeal the whole of the malt-tax. Besides the cost of its collection, another material consideration in determining on the comparative policy of a tax, is the opportunity it affords for frauds and unfair dealing. Now, I can with equal confidence state, that there is no tax by which £5,000,000 of money is raised, nor any combination of taxes producing the same amount, which, on the whole, admits of fewer opportunities for fraud and unfair dealing than the malt-tax. I do not at the present moment pretend to give any opinion as to the possibility of adopting still further securities against the commission of fraud; or of affording greater facilities for the manufacture of malt, by freeing it from excise restrictions. It is not necessary for me to enter into the discussion of these points; for if the House should unfortunately, in the absence of all information, pledge itself to the total repeal of the malt-tax, it will render it unnecessary to consider whether any modifications or improvements can be made in the excise regulations respecting the manufacture of the article, or the collection of the duty.

The noble lord, and the hon. gentleman who seconded the motion before the House, complain that no remission whatever has recently taken place with reference to the malt-tax. Is it then forgotten, that in the year 1830, this very article of malt was relieved from a charge to which it was subject in the shape of a duty on beer?—a charge which, if calculated with reference to the quarter of barley, was not less than 35s. the quarter in amount? The noble lord said, that he called for a repeal of the malt-duty, because the agricultural interest is in a state of depression, and because the price of agricultural produce has rapidly fallen. Is that, I ask, the case with regard to barley? Can it be said that the present price of barley is lower than the price of the same article during the last year? Is it not a singular circumstance, that the price of barley at the present moment is higher, with reference to the price of wheat, than it has ever been known before? And yet the hon. gentleman (Mr. Handley) assumes, that certain relief will be afforded to the agricultural interest by freeing from duty that article which bears the highest price, independently of the duty. The price of wheat, being untaxed, is low, while the price of barley, subject to a heavy tax, is high. Such being the facts of the case, by what reasoning does the hon. gentleman arrive at the conclusion, that the removal of the tax from barley will necessarily increase the price of that article?

There is another remarkable fact which ought to be borne in mind, that the rate of duty having continued the same, and the intrinsic price of the article having risen, there has taken place during the last four years a progressive and considerable increase in the consumption of barley? If the rate of duty had tended to lessen the number of the quarters of barley brought to charge, or to diminish the amount of the revenue derived from the tax, the hon. gentleman would then have been in possession of a powerful argument in favour of its remission; because he might have contended, that if the duty were lowered, the consumption of barley would be increased, and the apparent loss to the revenue, by the abatement of the tax, would be made up by an increased use of the article. But I am prepared to show, that while the rate

of duty has remained unchanged, the quantity of barley brought to charge has gone on increasing. The net payments into the Exchequer for the last four years on account of the malt duty are as follows:—

For the year 1831.....	£4,208,000	For the year 1832.....	£4,675,000
1833.....	4,772,000	1834.....	4,812,000

Thus, then, there is an increase in the amount of duty received by the Exchequer, an increase in the consumption of barley, and also in the price of that article. These are three remarkable facts which ought not to be lost sight of. But though those who advocate the repeal of the malt-duty cannot deny that an increase in the price of barley has taken place, yet they contend that that increased price is the consequence of a deficient harvest. True it is, they say, that there has been an increase in the consumption of barley during the four years preceding the last, but in those years there have also been good harvests of barley; in the last year, however, there occurred a bad harvest, and an increase has consequently taken place in the price of malting barley. Now, if that statement be correct, there is also another effect which a deficient harvest ought to have produced—namely, it ought to have diminished the quantity of barley brought to charge. The whole of that argument will therefore be destroyed, if I can show that the quantity of barley brought to charge since October in last year has increased, as compared with the quantity brought to charge in the corresponding period of the preceding year. Well knowing that it would be alleged there has been a defective harvest in barley last year, and that the rise in the price of the article is sufficiently accounted for by that fact, I have taken the trouble to obtain from the Excise-office, this very morning, an account of the number of bushels of malt brought to charge from the 10th of October, 1833, to the 19th of February, 1834, in order that I might compare the amount then brought to charge, with the quantity brought to charge within the corresponding period, namely—from the 10th of October, 1834, to the 19th of February in the present year.

In the first of these periods the number of bushels brought to market was.....	} 18,509,904
In the second.....	
Being an increase in the latter, as compared with the former, of.....	846,779

This then is clear, that so far as we have hitherto the means of judging, the assumed deficiency in the harvest of last year has not led to a diminished consumption of malting barley. We have a higher price, and an increased consumption—why then disturb the tax? and what ground have you for hoping that barley, subject to the tax, being very high, and wheat subject to no tax, being very low, the removal of the tax on barley will ensure a rise in the price of wheat?

In discussing the present question, I have no desire to make any appeal to the fears or passions of the House, or to refer to any topic calculated unduly or unfairly to influence the House in its view of the present question. I will willingly deprive myself of any such illegitimate advantage, if the House will only consent to give me its patient attention while I strictly confine myself to a statement of facts, and to a review of the arguments, if arguments they can be called, which have been urged in favour of the revision of the malt-tax. That the agricultural interest has the first claim to your consideration, I readily admit; that its present depressed state is a subject of deep anxiety, and calls for your warmest sympathy, I am the foremost to acknowledge; but it is the part of a true friend not to permit his reason and judgment to be overpowered by his feelings, but to consider dispassionately whether real relief will be afforded by a specious proposal. The advocates for the repeal of the malt-tax contend that there exists no other means of relieving the agricultural interest except by repealing the duty; and it is prophesied that many collateral advantages will result from the repeal of the tax. Matters of prophecy are of course matters of uncertainty; but I am anxious to ascertain, by the aid of past experience, what probability there exists of the realization of the prophecies to which I allude.

In the first place it is stated, that a great diminution in the consumption of malt is produced by the operation of the tax; and that if the quantity of malt and beer consumed in recent years is compared with the quantity consumed at an earlier period in the history of this country, it will be found (to use the words of the hon.

member, Mr. Handley) that the consumption of the old national beverage of this kingdom has greatly diminished. I am ready to admit that, in proportion to the population, the quantity of beer consumed at present has diminished, as compared with the quantity consumed at an early period of the last century. But the question is not as to the fact, but as to the cause of it. Does that diminution arise from the operation of the duty on malt, or from the competition of other articles, which have come into general use in this country? The hon. gentleman who seconded the motion, has drawn rather a singular inference from the increased consumption of these articles. He has expressed his surprise at finding that, while the consumption of beer in proportion to the population has diminished, the consumption of tea, coffee, and spirits has increased. Now I had intended to refer to the increase of the consumption of those articles for the very purpose of accounting for the decrease in the consumption of beer, but it seems that that fact had led the hon. gentleman (Mr. Handley) to a conclusion quite opposite to that which it produces in my mind. The hon. gentleman exclaimed, "You see the people of this country drink vastly more tea, more coffee, and more spirits than formerly. Why then," he asks in a tone of great surprise, mixed with much triumph, "do they not drink more beer also?" My reply is, because they consume more spirits, tea, and coffee. It is owing to a change in our national habits, and not to the operation of the duty, that the diminution in the consumption of malt is attributable. I will state the case in the manner which the hon. gentleman will admit to be the most unfavourable to myself. I will select the year in the last century, in which, of all others, the consumption of beer in proportion to the drinkers of beer was the greatest. That year was the year 1722. In 1722, the population amounted to about 6,000,000, and the number of barrels of beer consumed, as stated in the returns, was about the same, nearly 6,000,000, being in the proportion of one barrel to each person. In 1833, the population amounted to 14,000,000, and the average annual consumption for the last three years preceeding the repeal of the beer-duty amounted to no more than 8,200,000 barrels. Now I give the hon. gentleman the full advantage of these facts, and of any conclusions he may draw from them. The hon. gentleman would, no doubt, contend that this lamentable falling off in the drinking of beer, arises from the tax, and the tax alone. I, on the other hand, must argue, that the deficiency arises from altered habits, from new tastes, and consequently the increased consumption of other articles. It is very important to examine this matter a little more in detail. In 1722, the total quantity of tea consumed in this country did not exceed 370,000lbs., or about an ounce to each person. In 1833, the quantity of tea consumed amounted to 31,829,000lbs., being about two pounds and a quarter to each person. The use of tea has in fact superseded, to a great extent, the use of beer among all classes of the community. In like manner, the consumption of spirits has increased also. The hon. gentleman (Mr. Handley) may say that he deprecates the increased use of spirits; but he would find it quite impossible, let him propose what regulations he would, to prevent their consumption. The hon. gentleman might increase the duty on spirits; and he might flatter himself that he was diminishing their consumption, while he would in fact be only lessening the revenue which they produced. In 1722, there was about 3,000,000 gallons of spirits consumed, which gave a proportion to each individual of about half a gallon. In 1833, 12,332,000 gallons, being at the rate to each person of six-sevenths of a gallon. An extraordinary increase has also taken place in the consumption of coffee. With respect to that article, there are no accurate returns previous to 1760. In that year, however, the quantity of coffee consumed was not more than 262,000lbs., or three quarters of an ounce to each person. In 1833, the consumption of coffee had increased to 20,691,000lbs., or nearly one pound and a half to each person. With these returns before me, I cannot help arriving at conclusions the opposite of those to which the hon. gentleman arrived, that the increased consumption of the three articles I have mentioned, viz., tea, coffee, and spirits, accounts for the decreased consumption of beer; that you cannot expect those who drink three times the quantity of other beverages, to drink, on that very account, a greater quantity of beer; that you cannot have an immensely increased revenue from tea, from coffee, and from spirits, and also a corresponding increase in the revenue derived from the article which they displaced; and lastly, that, so far as morality is concerned, no very great

advantage would be gained by discountenancing the use of tea and coffee for the purpose of substituting beer in their place.

The hon. gentleman (Mr. Handley) seems to think that the use of tea and coffee is unfairly encouraged, and that their consumption is increased in consequence of the duty on those articles being lower than that which is applied to beer. He calls out for justice to the old national beverage, and demands that it should not be sacrificed to the undue favour that is shown to the articles of foreign extraction. But it is better to appeal, in matters of this kind, to figures and facts, than to the passions and feelings of the audience, and, instead of being pathetic, calmly to enquire, whether the rate per cent of the duty levied on barley, compared with the prime cost of this article, is so much higher than the corresponding rates on the other articles that compete with beer. The duty on malt is 2*s.* 7*d.*, per bushel, or about fifty-seven per cent on the price of the article:

The duty on other articles of general consumption, compared with the cost price, is as follows:

	Rate of Duty,			Rate per Cent. on Market Prices.	
	<i>s.</i>	<i>d.</i>			
On Port and Sherry. ....	5	6	½ gall.	...	85
Coffee, West India .....	0	6	½ lb	...	63
Ditto, East India .....	0	9	½ lb	...	106
Tea .....					100
English Spirits .....	7	6	½ gall.	...	333
Rum .....	9	6	½ gall.	...	407
Brandy .....	22	6	½ gall.	...	627
Geneva .....					930

Such are the facts of the case, and I will ask the hon. gentleman, whether the increased consumption of the several articles I have named can justly be attributed to any favour shown to them in the amount of duty as compared with that upon beer.

I shall proceed in the review of each of the several allegations and arguments of the noble mover and seconder of the motion. I wish to omit none of them; but calmly to submit each to the test of accurate enquiry and fair reasoning. The noble lord and the hon. gentleman have observed, that the House ought not to estimate the gain which would accrue to the consumer from the reduction of the duty on malt solely by the amount of that duty: for, that there are some enormous profits made by the maltsters, in which, as soon as the malt-duty should be repealed, the public would fully participate. The malt-duty is 20*s.* 8*d.* per quarter, and the total amount received by the exchequer is no more than £5,000,000; but, according to the statement of the noble lord, a sum of £16,000,000 apart from the duty, finds its way by some mysterious process into the hands of the maltsters, and is divided among them. I certainly do not pretend to understand whence this sum of £16,000,000 comes, or the proportion in which it is divided among the happy maltsters; but, I will ask, is it credible that in this country, and in an open trade, such extravagant profits can be made by the manufacturers of malt? Is it credible that while the whole amount, of revenue received by the government on account of malt does not exceed £5,000,000 the public is burthened with an additional charge of £16,000,000, which goes into the pockets of the parties by whom that article is manufactured? Is it likely that such enormous profits can be made in a trade which is open to all the world? There is, in fact, great competition in the malting trade. The number of maltsters is not less than 14,000; and there is one peculiar circumstance in that trade which will always ensure a great competition—which will draw speculators into this trade who will not, and cannot, enter into other trades. The manufacture of malt is, in fact, carried on in a considerable degree by capital provided by the public. The maltster, by giving bond, is allowed to defer the payment of duty, although he realizes the amount of that duty on the sale of the article, and is enabled thereby to make a fresh purchase of barley. But it is said the difference between the price of barley and the price of malt is alone sufficient to prove the enormous profit of the maltster. I recollect a calculation on this head, which was made by the hon. member for Oldham last year. The hon. member stated the price of barley to be 25*s.* per quarter, and the rate of duty to be 20*s.* 8*d.* per quarter; he, therefore, concluded that the



price of a quarter of malt ought to be, independent of the charges of its manufactures, 45s. 8d. But the hon. member said, that in point of fact, the quarter of malt cost 66s.; so that a clear profit of 19s. per quarter, at least, went into the pockets of the maltster. It is well, in discussing any subject, to have the latest information respecting it that can be obtained; and I, therefore, sent this morning to Mark-lane, to learn what is the price of barley, and the price of malt of equal quality; so that I might be able to judge whether the statement respecting the enormous gains made by the maltsters is well-founded. I am informed that the price of good malting-barley in Mark-lane this day is from 36s. to 40s. per quarter. That is, undoubtedly, a pretty good price for barley, for the article of which, notwithstanding the high price, the consumption has, according to the last returns, increased, instead of having diminished. Adding to the price of the quarter of the best barley, namely, 40s., the amount of the duty on malt, which is 20s. 8d., the price of malt, independent of the cost of manufacture, ought to be 60s. 8d. per quarter. The price of the best malt in Mark-lane, is, in fact, 66s. per quarter, leaving a difference of 5s. 4d. between the price of malt and the price of barley, increased by the amount of the duty. Now, I do not think that after deducting the actual expenses of malting from the sum of 5s. 4d., any such profit would remain to the maltsters as would enable them to divide that mysterious gain of £16,000,000, which the noble marquess has assigned to them.

The noble marquess (Marquess of Chandos) and the hon. member (Mr. Handley) have spoken of the advantages which would result from the remission of the malt-duty, in consequence of the facility which would thereby be afforded to the farmer of malting his inferior barley, not for the purpose of making beer, but of feeding his cattle. Now, I have the satisfaction of being able to inform my noble friend that this object is in a great measure effected by an order of the Board of Excise, which I am anxious to make public, and which I regret has not been sufficiently known before. I apprehend, that it is not necessary that barley, for the purpose of rendering it suitable for feeding cattle, should undergo the process of malting. I understand, that if the barley be steeped and afterwards dried, all those saccharine qualities which make barley peculiarly useful as food for cattle will be developed. I believe that the hon. gentleman (Mr. Handley) has stated, that it would be highly advantageous to the farmer to be enabled, not to malt, but to steep his barley for that purpose. I certainly do not credit the assertion, that two bushels of malt equal in nutritive quality three bushels of barley. [Mr. Cobbett: More nutriment is contained in two bushels of malt than in three bushels of barley.] I do not think such an assertion is correct. I know that two bushels of malt will not produce the same quantity of spirit as two bushels of raw barley; and I therefore cannot understand how it is possible for the former to contain fifty per cent. more of nutritive quality than the latter. I will now read the order of the Board of Excise to which I have already alluded, and to which I desire that the greatest publicity may be given. It is in the following terms:—"The practice of steeping barley in water to prepare it as food for cattle having become prevalent, and as the revenue may be injured by the application thereof to other purposes,—ordered that the respective supervisors and officers endeavour to ascertain the parties who carry on this practice within their several districts, and their manner of disposing of the corn so steeped; but that no interruption whatever be given thereto, except upon actual proof or well-grounded suspicion of fraud. Particular attention must be paid to the situation of the premises where the corn may be steeped, with respect to any kiln or oven upon, or in, which it could be dried, as well as to the proportion which the quantities of barley steeped bear to the number of horses or other cattle to be fed therewith; and if any suspicious circumstances shall be discovered, the matter must be fully investigated, and the particulars stated to the board."

It will be seen that the object of this order certainly is not to permit the malting of barley, but to afford every facility to the farmer to prepare that article for the purpose of feeding his cattle, which is consistent with the safety of the revenue.

One favourite argument in favour of the repeal of the malt-duty is, that it will encourage the poor man to brew his own beer. The arguments by which it is attempted to support that assertion appear to me exceedingly fallacious. What inducement can the poor man have to brew his own beer which he does not possess at the present moment? Why should he not at present buy his malt, and

with that brew as much beer as he needs for his own consumption? The hon. member for Oldham argued, that in consequence of the high price of malt, and the large profits of the maltsters, it is quite impossible for the poor man to buy malt in retail, but that if you repeal the malt-duty every man will be his own maltster. But, supposing that the malt-duty were repealed, would the poor man then be in a better condition to compete with the great maltster? Would the poor man in his small cottage, and with his limited means, be then better able to compete with the great maltsters, with extensive capital, great skill, great experience; and with buildings and floors, and cisterns and kilns, all suited for the purpose of making malt on a large scale? If not, what greater temptation would he have to brew than he has at present? Oh, it will be said, he will be relieved from the duty, and will not the regular maltster be relieved from it also? How will their relative position be altered? How will the means of the maltster to manufacture an article of equal quality at a less price be diminished? What gain is it to the poor man to be able to manufacture a bad article at a high cost? But again, if the poor man is so much disposed to brew his own beer, how is it that he did not do so previous to the repeal of the duty on beer? At that time a very heavy duty per barrel attached to the great brewer, which the poor man, who chose to brew in his own cottage, was not called on to pay. But if the poor man did not then brew his own beer, having that advantage, why should it be supposed that he would do so should the malt-duty be repealed, when he certainly will not have an advantage equal to that which he had then? The hon. gentleman (Mr. Handley) has said a great deal against the beer-shops, and, like many others, who are warm panegyrists of what they call our old national beverage, seems to think that if beer be drunk in beer-shops, all its salutary qualities vanish at once. He has come to the conclusion that beer is a noxious fluid unless it is drunk by labouring men in their own houses after having been brewed by their own hands. But I entreat the House not to consent to the loss of £5,000,000 of revenue, under the delusive expectation, that encouragement will thereby be given to the agricultural labourers to brew their beer and drink their beer in their own cottages. The same reason which induces them to go to the beer-shop at present will continue to operate after the repeal of the malt-duty. At this moment, if the labouring man purchases his beer at the public-house, and takes it away to drink at his own house, he may have the beer at a reduced rate. There is a considerable difference between the price of a pot of beer purchased at the public-house and carried away, and the price which is charged to a man who sits down and consumes a pot beside a fire in the public-house. Notwithstanding this difference of charge, there is, however, something in the charm of a good fire and of good company, which tempts the labourer to pay an additional penny for his pot of beer. And after the repeal of the malt-duty, which will not reduce the price of the pot of beer more than a halfpenny, I believe that the same temptation will still exist, and that the public-house, the natural love of society—the harmless, I must say, enjoyment of it, if not carried to excess, will be preferred to the solitary pot of beer brewed by bad brewers with bad utensils from bad materials. Let not the House, then, hazard a large amount of revenue for the sake of creating a small reduction in the price of a pot of beer, which after all will not be attended with the effect anticipated by its advocates.

The hon. gentleman (Mr. Handley) has spoken about the possibility of finding substitutes for the malt-tax, but he has only mentioned a few of these substitutes. This is undoubtedly very prudent on the part of the hon. member, especially when the fate which has attended the member for Lincolnshire, the late Sir W. Ingilby—I mean to say, the late Chancellor of the Exchequer, for that was the character assumed by the hon. baronet—is taken into consideration. The fate of that hon. baronet, according to the hon. gentleman (Mr. Handley), is a warning to all hon. members against appearing in the assumed part of Chancellor of the Exchequer. That hon. baronet, it appears, had made a most popular motion on the subject of the malt-duty, by which he conciliated all the advocates of the repeal of the tax. However, he unfortunately thought it necessary to suggest a few substitutes in the place of the malt-tax, which destroyed all the popularity which his motion for the repeal of that tax had gained for him, and cost him his seat in parliament. He lost his election even for an agricultural county. Such was the odium he excited by his praiseworthy efforts to discover substitutes. I, then, ask the agricultural members

to take warning by this, and to reflect that, if the modest suggestion of new taxes cost Sir W. Ingilby his seat for a most agricultural county—what will become of their seats if they have mixed constituencies, and actually vote for the new taxes that must be proposed? I will ask them this question—granted that there would be an advantage to agriculture in this repeal of the malt-tax, would that advantage be general or not? What description of agriculture, let me ask, is distressed? Are the light barley lands suffering most at the present moment, or the pasture lands, and the clay lands which grow wheat? Is it not notorious that the clay lands growing wheat are the description of land which, at the present moment, is suffering under the greatest depression? The only effect of repealing the malt-duty will be to force the clay lands into an unnatural cultivation, and the owners will be induced, instead of growing wheat, to try the expensive cultivation of barley on unsuitable land. Supposing that the available surplus of the revenue could be applied to the remission of the county-rates, or to those local charges to which all land is subject, would not the advantage resulting from that remission be more equally distributed over the whole land than a reduction to the same amount of the duty on malt? The noble lord and the hon. gentleman opposite, propose to give the whole advantage of the remission of the malt-duty to the barley growers, though that class of agriculturists are, of all, the least distressed.

I am conceding, for the sake of the argument, that the barley grower is to be greatly benefited by the repeal of the malt-duty, but I cannot help thinking that, if the present motion succeeds, the barley interest itself will suffer more injury than many hon. gentlemen are, perhaps, aware of. By allowing the maltsters to give security for the amount of duty, and suspending for a time its payment, a capital belonging to the public, amounting to about £3,000,000, may be said to be lent them for the purpose of carrying on trade. In consequence of this practice, individuals with small capital are enabled to engage in the manufacture of malt. If, however, the duty were repealed, this advantage given to small capitalists would be withdrawn, the public money, applied as so much additional capital in the purchase of barley, would be withdrawn also, and the result, quite opposite to that expected by the advocates of the repeal of the duty, must inevitably be, that the malting trade would be much more monopolized than at present by a few large capitalists. It is taken for granted, that increased consumption of malt must follow diminished duty. This may be so for the future, but it certainly has not been so for the past. There are some striking proofs in the history of the malt-duty to show that the consumption of malt is influenced much more by seasons, and other circumstances, than by the rate of duty. In 1816, the duty was 4s. 6d. per bushel. The average consumption of the two preceding years was 25,500,000 bushels. You reduced the duty in 1816 from 4s. 6d. to 2s. 6d. Was there a great increase of consumption? By no means. The average consumption of the two following years, that is, under the reduced duty, was only 22,700,000 bushels, a falling off of nearly 3,000,000 of bushels, instead of an increase. You raised the duty, in 1819, to 3s. 7d., and the average consumption of the two following years was 25,000,000 bushels, an increased consumption under an increased duty.

I wish to call the attention of the House, and particularly of the agriculturists, to another and very serious risk they will incur from the total repeal of the malt-duty. My noble friend said, that if the malt-tax were taken off, there would be a great increase in the consumption of beer. Now I have an impression that the very contrary effect would be produced by the removal of the tax. I am greatly afraid, that the direct consequence would be to promote illicit distillation to an almost incalculable extent, and thereby proportionately to diminish the use of beer. My reason for thinking so is this. It is no difficult matter to prevent, by the vigilance of the excise, the illicit malting of barley. The process is a dilatory one, and it is not easy to avoid the exposure of the article for the purpose of drying it and preparing it for use. But the process by which illicit spirits are distilled from the barley after it has been made into malt, is very easy. Every man, after the repeal of the malt-duty, would have a right to make malt. It might be made in every cottage and every hovel without restraint. Does any man believe it to be possible, that security can be taken against the conversion of this malt into spirits, or will it be tolerated that there shall be a universal right of inspection and inquisition on the part of

the excise into every house in the kingdom, in order to prevent a fraud on the revenue so easily practised as the conversion of malt into spirits? The result, then, would be, not as my noble friend anticipates, an increase in the consumption of beer, but a positive reduction in the revenue, produced by loss of duty on spirits, and a great increase in the amount of illicit distillation. For these reasons, then, I am of opinion, that the benefits which are looked for from the repeal of the malt-tax will not follow its removal, and surely, unless some almost inestimable advantage is clearly shown to be the necessary consequence of its immediate repeal, hon. members ought to pause before they give their votes in favour of a measure which strikes at nearly one-third of the disposable revenue of the country.

But what course is the House to pursue when they have adopted the resolution of my noble friend? My noble friend has, indeed, declared his intention, when the House shall have sanctioned the principle which his resolution embodies, to bring in a bill to settle all the details. But has my noble friend calculated the embarrassment and confusion into which trade will be thrown in the meanwhile, and in what uncertainty the whole of the malt trade, and of the agricultural interest dependent on it, will be placed by his resolution? What brewer would purchase a bushel of malt while he saw matters in this state? I would undertake to say, that malt would suffer an immediate depreciation of 4s. or 5s. the quarter, for the House may rely upon it, that if hopes were held out to the public that the malt-tax should be no longer paid after the 10th of October, 1836, no man, except for immediate use, would make his malt or brew his beer, till he could do both without being subject to a duty.

Supposing, however, that the House, in spite of all argument to the contrary, is determined to vote in favour of my noble friend's resolution, what other measures is it prepared to adopt? I will assume for the present that the House is resolved to supply the deficiency that will be created by the repeal. You must hope to do this in one of three methods. You may increase the duties imposed on other articles of consumption, or you may resort to a property-tax, or you may demand a corresponding reduction of the estimates. I can assure hon. members that I feel no pleasure in witnessing improvident expenditure, and that I have no interest to serve in maintaining the present amount of the public burthens; but I will ask any man in this House, whether he conscientiously believes that, looking to the reductions in the estimates which were made by Lord Althorp in the last year, and the further reduction made by myself in the present year, to the amount of £500,000,—whether, looking at this, it is possible to make any, even the most trifling, reduction in the estimates? But, at any rate, if any reduction is to be effected, let the question of such reduction be looked at abstractedly with reference to its own merits, and not with a view to substitute the sum thus saved for the produce of the malt-tax. But I cannot persuade myself that any man, bearing in mind the reductions which have been made, and the demands of the West-India proprietors on the public purse, can hope to replace the £4,800,000 which the malt-tax furnishes, consistently with the maintenance of the public honour, and regard to the interests of the country, by any considerable reduction in the sums voted for the public service. But the money must be obtained from some source. I will, however, caution those gentlemen who look for a substitute for the malt-tax in an increased duty on other articles of consumption, against hoping that an increased duty either on wine, or spirits, or beer, will lay the foundation of a large permanent addition to the revenue of the country. First, as to spirits; of what benefit will it be to the agricultural interest that a heavier tax should be laid upon spirits? What are they made from? They are distilled from corn. If an additional tax of 1s. a-gallon were to be imposed on spirits, it would be equivalent to laying a tax of 16s. a quarter on malt. I believe that from a bushel of barley can be obtained two gallons of spirits, and thus there will be laid a tax of 16s. a-quarter on barley, and that too on the poorest description of barley. But there are other considerations which affect this question. In the course of last session parliament enacted, that there should be a reduction of the duty on spirits in Ireland, and yet some hon. members are now favourable to the project of increasing the duty on Irish spirits. Now, this unsteadiness of purpose, this constant vacillation, is the unwisest course that can be adopted by a legislative assembly. In the course of last session the duty on Irish spirits

was lowered from 3s. 4d. to 2s. 4d. a-gallon, yet it is now in contemplation to increase the duty. Perhaps, however, this objection may be met by a proposition to raise the duty on spirits in England only, leaving Ireland subject to the present rate of duty. But surely the difference of duty between English and Irish spirits is already sufficiently great. Surely, it will not be wise to increase the present rate of duty in England—namely, 7s. 6d.; leaving Ireland subject only to a duty of 2s. 4d. Such an unequal rate of taxation will offer a temptation to smuggling, too strong to be resisted. It is impossible, but that with so large a bonus thus held out to the unfair trader, he would fully avail himself of the advantage which the legislature would afford him. But you may propose to tax Ireland and England in this respect in the same proportions, and to increase the duty in Ireland as well as in England. First, let us ascertain what has been the result of the reduction of duty on spirits in Ireland. I have this morning received an account, from which it appears that on a comparison of the last four months with the corresponding period of last year, 1,000,000 gallons more spirits had been brought to charge. With the knowledge I possess of this fact, I hope to be excused for asking whether the hon. members who advocate the increase of the duty on spirits are quite sure that they would raise the revenue by that method of taxation? But this is not the only danger. If by increasing the duty on legal spirits, you hold out a premium to illicit distillation, that distillation will not necessarily take place from grain. The farmer must not flatter himself that he will find increased demand for agricultural produce from the illicit trader. If you encourage by high duties a fraudulent manufacture of spirits, the article employed will be not grain but molasses, on account of the greater facility in the process of conversion into spirit, and the readier means of escaping detection. No one denies that spirits are a fair subject of taxation, of taxation to the highest point that is consistent with the collection of revenue. But this should never be forgotten, that the discoveries in science, and improvement in chemical apparatus, increase the facilities of fraud more rapidly than the facilities of detection. At this very moment illicit distillation of spirits is carried on in large towns to an extent which we had better not encourage by any considerable increase of duty on the legal supply. I hope I have satisfactorily shown, that by attempting to make an addition to the duty on spirits, there is considerable risk that, at the same time, you will benefit no one interest, you will injure agriculture, and will ruin the revenue.

I now come to the third substitute proposed for the malt-tax—namely, a property-tax. Under circumstances not dissimilar to the present, excepting that the late Chancellor of the Exchequer had then at his disposal an available surplus of £1,500,000, it was proposed to repeal half the malt-tax and the house and window tax, amounting in the whole to £5,000,000 sterling. The House then determined by a very large majority, that such a deficit could only be supplied by the imposition of a property-tax. Now my prophecy is, that you will make that tax necessary—to that you must come at last if you repeal the malt-tax. You will try your taxes on articles of general consumption, on tobacco, and spirits, and wine, and you will meet with a storm which will make you hastily recede from your first advances towards a substitute. To a property-tax then you must come; and I congratulate you, gentlemen of the landed interest, on finding yourselves relieved from the pressure of the malt-tax, and falling on a good comfortable property-tax, with a proposal, probably, for a graduated scale. And you, who represent the heavy land of this country—the clay soil—the soil unfit for barley, I felicitate you on the prospect which lies before you. If you believe that the substitute will be advantageous to your interests, be it so, but do not, when you hereafter find out your mistake, lay the blame upon those who offered you a timely warning, and cautioned you against exchanging the light pressure of a malt-duty for the scourge of a property-tax. My noble friend (the Marquess of Chandos) has made some calculations to which I hesitate to subscribe; certainly, I think he has made a mistake in some of his figures. My noble friend has calculated, that the extent of advantage which will accrue by the repeal of the duty on malt, to a farmer occupying a farm of 250 acres, will amount to between £70 and £80 a-year. Now I have certainly never heard so favourable an account as this of the present state of agriculture, that a farmer of land of that number of acres consumed so much beer

as to make that difference to him in a single year. I believe that the average quantity of beer consumed on a farm of 300 acres is about 100 hogsheads a-year, and yet, if my noble friend's calculations are correct, the occupier must consume something like 500 or 600. But I will resume at the point from which I broke off. I have been diverted from the consideration of the manner in which a property-tax would operate as a substitute for the malt duty. The hon. and learned member for Ireland—I mean for Dublin—in reference to the imposition of a property-tax, said on a former occasion, that if it was to be laid on, it ought to affect all his Majesty's subjects equally, and certainly, this was no more than justice. I beg, then, the representatives of Ireland to consider what will be their situation if they vote for the repeal of the duty on malt. It would be infinitely worse even than that of the occupiers of clay soils in England. Ireland pays at present but £240,000 out of the £4,800,000 which the malt-tax produces, and it would be a great hardship to Ireland to have a property-tax imposed upon her as a countervailing substitute for her moderate proportion of the malt-tax. They may depend on it, however, that a property tax is inevitable if the malt-tax is repealed, and the attempt, I will not say to levy that tax, if imposed—for I must presume the people of Ireland would obey the laws—but to impose the tax in this House, would be a fruitless undertaking.

I now come to the fourth alternative: that is, to make a deficit, and do nothing else; and I am afraid there are many members who, when it comes to the trial, will (professing no doubt much reluctance) make up their minds to act in that manner—who, upon the whole, will prefer the plan of a large deficit, and no substitute. The hon. member (Mr. Handley) has recommended a small loan, but why not a large one? Why hesitate about the amount of new debt in time of peace, if once you affirm the principle? The hon. gentleman, indeed, offered the security: "Sell the Crown lands," he says, "exact the uttermost farthing from the Crown lessees." This is the first time I have heard the complaint, that the Crown is too indulgent a landlord, or that the Crown lands afford the means of a large permanent increase to the revenue.

This, after all, is the great question to be resolved by this night's debate:—Shall we maintain the public honour, or shall we enter on the disgraceful course of deficit, and the suspension of payment, and the breach of national engagements? Has honesty been bad policy? Have you suffered pecuniary loss from being honest? Is it not a fact, that by keeping up the value of the public securities, and faithfully performing the national engagements, the government of the country has been enabled, since the year 1822, to reduce the annual interest of the public debt to the amount of £2,350,000. If you continue to pursue the same course you will derive the same advantages. You have a debt of £250,000,000 in the three and a-half per cents alone, which you may hope to redeem at no distant period. You have the experience of the benefits of good faith, not only in point of character, but of substantial gain; but if you are careless to secure the honour of England, and maintain the national credit, you will simultaneously forfeit a good name, and dry up the sources of future and of honourable economy. I hope the House will not enter on the tortuous path of contradiction and vacillation into which this motion would force it. I warn you not to forget that on this very question of the malt-tax, you have, on three different occasions, retraced your steps. In the year 1816, the House of Commons took off a part of the malt-tax, but found themselves obliged to put it on again in 1819. In March, 1821, the House, by a small majority, repealed the tax; but in one month after, in the following April, they were obliged to rescind this vote, the offspring of their hasty legislation. In the year 1833, the House, in a moment of delusion at the prospect of the advantages expected from the remission of this tax, resolved that it should be partly repealed, but on reflection they found it necessary to rescind on the Monday the resolution to which they had come on the previous Friday, and passed a counter resolution in the following words:—"Resolved, that the deficiency in the revenue which would be occasioned by the reduction of the tax on malt to ten shillings the quarter, and the repeal of the tax on houses and windows, could only be supplied by the substitution of a general tax upon property and income, and an extensive change in our whole financial system, which would at present be inexpedient." If, then, a majority of the House should agree to the motion of my noble friend, and if they shrink hereafter from the dishonesty of a

deficit, there will be no other safe alternative but retraction and repentance, and the replacing of this malt-tax. It is my desire to rescue parliament from the charge of vacillation and inconsistency, from the shame, the certain shame of rescinding an unwise and hasty vote, that I respectfully, but most earnestly counsel you not to take the first step in ways which lead to dishonour.

I have been told that there is no hope of preserving the malt-tax, that there are so many members pledged to their constituents to repeal the malt-duty, that they cannot help themselves, and must vote in favour of its abolition. But my uniform answer has been, that I never would believe that public men, invested with a sacred trust, had committed themselves irrevocably beforehand, that they would refuse to listen to discussion, and give a vote against evidence, against conviction, against conscience. I have paid them the willing compliment of trusting in their integrity and wisdom, and have rejected the odious imputation that they would sacrifice the real interests of their constituents and their country, for the mere purpose of satisfying an impatient clamour, or redeeming pledges which must have been conditional, that the redemption of such pledges would *bona fide* serve the parties to whom they had been given. I have a full assurance that the vote of to-night will prove that my confidence in the House of Commons has not been misplaced; but, be that as it may, my own course is clear: I am bound to give that advice which appears to my judgment the best, and to leave those who reject it, responsible for all the consequences of a rash and unwise decision.

A long discussion then ensued, and the Marquess of Chandos having briefly replied, the House divided: Ayes, 192; Noes, 350; majority against the motion, 158.

## ECCLESIASTICAL COURTS.

MARCH 12, 1835.

The Attorney-general, in a brief speech, moved for leave to bring in "A bill to improve the Administration of Justice in Ecclesiastical Courts."

SIR ROBERT PEEL said, I trust that this House will receive the present measure as the first practical fulfilment of the pledges given in his Majesty's speech from the throne, that his Majesty's ministers were desirous of introducing into the administration of the law the most substantial reforms, and of redressing every grievance of which just complaint can be made. I do hope, that it was some kind of prognostication of the nature of those reforms, which convinced the hon. member for Middlesex, that it was not necessary to hold over his Majesty's ministers the menace of limited supplies. The hon. member will see in the strong and uniform testimony borne to the efficacy of this reform, a guarantee of the intention of his Majesty's ministers, with respect to reforms in general. This reform in the ecclesiastical courts throughout the kingdom, is founded on the report of a commission of enquiry, established upon the advice given by his Grace the Duke of Wellington to the Crown. Nothing can be further from my intention than to claim for his Majesty's ministers the exclusive merit of this reform. Few things are more honourable to party connexions in this country, than the manifestation on the part of public men of a willingness to co-operate in measures of reform, that are complete and well calculated to promote the public welfare. The hon. and learned member who spoke last, has, with a modesty and forbearance most creditable to himself, concealed the fact, that he was one whose co-operation had been of such signal utility to the enquiries of the commission. The hon. and learned gentleman, and the hon. and learned member for the Tower Hamlets, notwithstanding their total alienation from that political party by which this commission was instituted, were not unwilling to tender their gratuitous and invaluable services to forward all the purposes of the commission. I do say, that such conduct redounds much to the honour of the hon. and learned member; and that it redounds generally to the honour of gentlemen, who, notwithstanding all their differences in party politics from the government of the day, were the first to tender their services to perfect the laws of the country. A grateful testimony has likewise been borne to the dignified ecclesiastics, and to the clergy throughout the country, who were willing to sacrifice their private patronage,

and to cast aside all personal interests, in order to benefit the country by promoting the objects of the commission. I find this conduct has been invariable on the part of the right reverend prelates, notwithstanding the attacks that I see have been made on them in other quarters. Yes, Sir, uniformly have they evinced the same disposition to sacrifice every private consideration, in order to further the progress of useful reform. As soon as his Majesty's commission was established, the first offer made by every member of that commission, whether ecclesiastical or lay, was to suspend every appointment to ecclesiastical preferments which had not attached to them a cure of souls, until the report of the commissioners should decide upon the utility or inutility of filling up the places. Such has been the conduct of the Archbishop of Canterbury, of the Archbishop of York, and of the Bishops of London, of Lincoln, of Gloucester, and of the Lord Chancellor. All signified to the commission, that not one of them would make any appointment to any ecclesiastical preferment whatever, till the circumstances of the preferment had undergone the consideration of the commission, and until it had been determined in what manner the preferment could be made most beneficial to the interests of the Church. With respect to the particular measure before the House, I go farther, much further, than some of those hon. gentlemen who claim to themselves the title of reformers. The hon. gentleman, the member for Cambridge, advises that the local ecclesiastical courts should be continued in existence, while the whole object of the present bill is to put an end to these local courts. Another hon. and learned member (Sir J. Campbell) has said that the Diocesan courts should be continued, lest the country attorneys might petition the House, and oppose the bill, through the medium of country gentlemen, whom they may be able to influence. Why, Sir, I am a greater reformer than even his Majesty's late Attorney-general. If the local jurisdiction be good, maintain it; if bad, for God's sake, don't let us permit local attorneys, for their private and personal interests, to obstruct the course of reform. If the country attorneys have any vested rights, any vested interests, in the maintenance of these courts, let us compensate them; but if it be useful, if it be for the benefit of the country at large, that central courts shall be established, and that local courts be abolished, what grounds have country solicitors to obstruct the course of reform? I know that the country solicitors are a powerful body; but if the present measure be right, if centralisation be more advantageous to the country than the continuance of local jurisdiction, I see no earthly reason why the power of the country solicitors should impede the progress of reform. I am one of those who think that the jurisdiction of parliament ought to be trusted and relied upon. Most undoubtedly, no one can witness, with any degree of satisfaction, the examination of witnesses at the bar of this House, on occasions of such a nature; but still, I think, that such a proceeding is not without an indirect effect upon the public mind and morals. I am not of opinion, that an easy mode of obtaining divorce would be attended with much advantage, nor am I that great admirer of the Scotch system, in this respect, that some hon. members profess to be. I very much doubt, indeed, that it would be at all for the public benefit that local courts should have the jurisdiction of granting divorce *a mensa et thoro*. Such facilities would not be unlikely to lead to much collusion, particularly where females were concerned. The greatest confidence should exist in any tribunal possessing a jurisdiction of this nature, and too much care cannot be taken in the establishment of such a court. I should be doing great injustice to Sir John Nicholl, and Sir Herbert Jenner, if I did not take this occasion to acknowledge the prompt, willing, and efficient assistance I derived from those learned and distinguished civilians, as members of the commission, voluntarily tendered immediately on my return from abroad, and my appointment to office. Am I not, then, justified in saying, that where effectual reform is seen to be necessary, there is no indisposition, in the highest authorities of the country, to give them both assistance towards so desirable an end. I entirely agree, and soon did agree, with those who feel that there never can be a perfect system of law reform established, until all judicial sinecures shall have been destroyed. In any measure intended to be effective, provision must be made to abolish judicial sinecures. I, myself, introduced a bill to destroy those abuses, and I believe with no little success and benefit; but, if any still remain uncorrected, I will give my support to any bill, the object of which may be to render as pure as possible every thing connected with the administration of justice.



Mr. Hume stated, that in changing his intention with respect to the supplies, the measure under consideration never entered into his contemplation. The fact was, the right hon. gentleman had crept into the nest of the late administration—was then hatching the eggs which his predecessors had laid—and now, forsooth, he was taking great credit for the incubation.

Sir Robert Peel, in answer to the question just put to him, by the hon. member for Middlesex, said that it was the intention of his Majesty's government to introduce a bill for facilitating the local administration of justice. [Mr. Hume said, his question had reference to county courts.] What was the difference? Were not county courts a local administration of justice? The bill which he had stated it was the intention of his Majesty's government to introduce, was for facilitating the local administration of justice; and the hon. member would have an opportunity, on its introduction, of expressing his opinion as to the best mode of securing that object. While on his legs, he must beg to observe that the hon. gentleman entirely mistook some of the observations which had fallen from him. He (the Chancellor of the Exchequer) had not denied that the late government were prepared to bring in a measure similar to the present; he had merely stated what was the fact, namely, that the commission, upon the report of which the measure was founded, had been instituted by the Duke of Wellington's administration. There was no merit in merely drawing the bill; for it was drawn from the suggestions contained in the report made by the hon. and learned gentleman opposite, and the other members of the commission. So far from having shown any want of candour on the occasion, he had given the merit to those to whom it was due. The hon. member for Middlesex had been wonderfully learned, and curiously facetious upon the subject of incubation. The hon. gentleman had recently had some practical experience of the throes of labour, and the anxious cares and doubtful results of the process to which he had alluded. The hon. member had laid an egg, which he could neither hatch himself, nor get any body else to hatch for him. What was to become of this redoubted egg? It had been, after an appropriate prelude, laid a week since; there was, then, a grave doubt as to whether it was to be hatched by the hon. gentleman or some other hen; but, after all this patient agony of incubation, it appeared that neither the hon. member for Middlesex, nor any other biped, feathered or unfeathered, could bring this egg to maturity. He had found an excuse for the hon. gentleman for deserting his nest, in the earnest of reform measures which had been given by the government; but he (Mr. Hume), instead of receiving it as a courteous assistance, had accused him of creeping into the nest of the late ministry.

After a short discussion, leave was given to bring in the bill.

## AMBASSADOR TO RUSSIA—THE MARQUESS OF LONDONDERRY.

MARCH 13, 1835.

On the Order of the Day being read for the House resolving itself into a Committee of Supply—

Mr. Sheil rose to move, as an amendment to the motion that the Speaker leave the Chair, "That an humble address be presented to his Majesty, praying that he be graciously pleased to order that there be laid before the House a copy of any appointment made within the last four months, of an Ambassador from the Court of London to St. Petersburg, and of the salary and emoluments attached to such embassy.

In the debate which followed—

SIR ROBERT PEEL spoke to the following effect:—I was certainly not aware that to the other charges to which I am liable could with any degree of justice be added that of an unwillingness to take a fair share in the discussions of this House; and I confess it was with no small degree of surprise I heard the hon. member who spoke last but one in this debate attribute it to me. While, however, I quite admit the right of that hon. member—or any other who may coincide with him in thinking I am called upon to defend my conduct with reference to the appoint-

ment in question—to comment upon my silence, I must claim from him in return the right of postponing that defence until such time as may appear to my own mind most suited for that purpose. But, Sir, even if I were not to avail myself of that prerogative, I think it will not, upon consideration, appear unreasonable to the House that I should have, at all events, up to the present moment, refrained from presenting myself to their attention. I think, when I am told from so many quarters that, be the result of Lord Londonderry's appointment what it may, the main responsibility must, at all events, rest on me—when I am in general terms informed that the government to which I belong will forfeit the confidence of those over whose interests they are selected to preside, by selecting for the situation of Ambassador to the Court of Russia an individual whose conduct disentitled him to that honour, but it was natural that I should wish to hear what were the specific charges which could be adduced against that noble lord, or against myself, before I took an opportunity of making a reply in his, or my own defence, the more especially when it was quite clear that, in compliance with the forms of the House, I could only address it once. Upon the question of responsibility, I have but little to say.—I trust I never have shrunk, and never shall shrink from any responsibility which properly could be said to belong to me, or try to transfer to another the responsibility that ought to attach to myself. I admit, distinctly admit, that, for whatever may be done in any department of the state, practically, though perhaps not constitutionally, I, who have the honour to fill the first post in his Majesty's government, ought to, and will, while I retain that situation, consider myself altogether responsible to my sovereign and to my country. I do not hesitate here, in my place in parliament, to declare, that for every step taken in this appointment there is no individual belonging to the cabinet who has contracted greater responsibility than myself, and whatever may be the course the House may think fit to take in consequence of that appointment, it shall never find me either anxious or desirous to shrink from the declaration I now make. That the appointment of Lord Londonderry to the post of Ambassador to the Court of Russia, or to any other office, however insignificant, under the present administration, has failed in giving satisfaction to certain hon. gentlemen opposite I do not—I cannot doubt. Is it not perfectly notorious that there is no one appointment connected with the present government which gives them the slightest satisfaction? Nor is it very wonderful that such should be the case. Don't I know—don't we all know—that in proportion as men take an active part in politics, and in proportion as they desire to see the party they espouse gain the ascendancy in the state, in exactly the same proportion will the appointments of a government, which exists in direct opposition to them, be at all times, and especially at the moment they have ceased to hold power, unsatisfactory to their feelings, and consequently the objects of their condemnation in their speeches. Have they expressed dissatisfaction at Lord Londonderry's appointment only? Why, not one single individual composing the government is acceptable to them—not one single appointment the government has made appears to give them satisfaction. Even their old friends and allies—even those whose co-operation and assistance they courted when they were in office—have now become the objects of their attack and condemnation. Is not the Attorney-general for Ireland under the late administration, the Attorney-general for Ireland under the present government? And yet are we not reproached with even that appointment? Is not my right hon. friend the paymaster of the forces denounced by hon. members on the other side as unworthy of the trust reposed in him? Did not the noble lord, the leader of the opposition, contrary, I must say, to his usual practice, and contrary, I must also say, to what prudence ought to have dictated to him above all others, rake up the forgotten quarrels of 1829, and, speaking of the language used by the right hon. baronet at a time of great excitement, and, with reference to a measure upon which the greatest difference of opinion prevailed, attribute to him expressions which, if the right hon. baronet ever used them, and I possess not the slightest recollection of his having done so, he must in his calmer moments have regretted; and the noble lord having done so, did he not urge the inexpediency of his having been selected to fill an office under the present administration? [Cries of “Hear, hear!” from the opposition.] Hon. members on the other side of the House cry “Hear, hear!” but, Sir, let me ask, is it or is it not the fact that my right hon. friend, whose appointment to the situation of the paymaster of the forces, is con-

sidered so convincing an indication of illiberal dispositions on the part of the government—whose appointment is considered sufficient to condemn in the eyes of the people, the whole policy and intentions of the government—is, I ask, the report, which at the time was very generally credited, that my right hon. friend was offered by the government of Lord Grey a still higher appointment than that he now holds, true or false? [“No, no!”] All I can say is, I have heard it stated, and I have not before heard it contradicted, that the office of secretary of war was offered to my right hon. friend. [“No, no!”] My right hon. friend did not himself tell me so, but as it was publicly stated, and as it has never been hitherto contradicted, I maintain I have a right to assume it is true. [Renewed cries of “No, no!”] It was certainly so stated in the only vehicles of news to which the public at large have access, and sure I am that in those publications it was not contradicted. I know not, I repeat, whether the fact was as stated or not, but I do know it was publicly stated, and that it was not publicly contradicted. [“Hear, hear!”] Well, then, I say, Sir, if such an offer as that to which I allude was made to my right hon. friend, it is not fair to blame his appointment to an office under the present administration as an indication of his intention to pursue an illiberal or unpopular system of policy. I come now to the particular question under discussion.—[Cries of “Hear, hear!” from the opposition benches.] Surely hon. members opposite are not so impatient that they cannot spare me even five short minutes to make an ordinary preface to an ordinary speech. [Laughter.] Surely they are not so impatient as not to allow me time to lay the groundwork for my defence. I will, however, not trifle with that impatience, but at once proceed to the point in dispute. As I said before, I have not the least doubt that the appointment of Lord Londonderry must be unsatisfactory to those members of the House whose policy is directly opposed to ours; but I want to know—and I thought from the course the present debate has taken that I might have attained that knowledge—what are the allegations, what the specific charges, which can be brought against Lord Londonderry, and upon what grounds it is that his appointment as ambassador is to subject the government to which I have the honour to belong to the censure of this House? Up to the present moment I believe the sole charge against the noble marquess is—and it is the charge of the hon. and learned member for Kirkcubright—that of his having expressed an opinion in his capacity of a peer of the realm, that the late government had pursued their interference on behalf of the Poles to an unjustifiable extent, and that he had termed them “the rebellious subjects of the emperor of Russia.” And is that alone sufficient to disqualify the noble marquess from being employed under the government? Why, Sir, I heard but a few evenings since an hon. member on the bench opposite tell the House, that unless every thing his Majesty’s Canadian subjects required was conceded to them by the British government they would become—I quote the hon. member’s precise words—“rebellious subjects of the king of England.” Is this sufficient in his own estimation to disqualify that hon. member from obtaining any government appointment; but, Sir, putting for the moment out of view this consideration, I have to say, that the scraps of speeches upon which the hon. member for Tipperary has founded his allegations against the noble marquess do not appear in the authentic reports of the proceedings in the House of Lords. I have before me “*Hansard’s Debates*,” and there I cannot find them. [Mr. Sheil—They will be found in the *Mirror of Parliament*.] I know not as to the *Mirror of Parliament*, but I have here before me, certainly, an authentic work, and one which appears to be very carefully edited, in which I can find no such expressions as those attributed to the noble marquess. I am not in a situation positively to deny his having used them; but I cannot find them in the very careful version of parliamentary reports I hold in my hand. But, Sir, are we to judge of individuals by the language they may make use of in the excitement of debate? Do we not daily see here, within the walls of this our House of Assembly, hon. members led away by the warmth of discussion, by their party feelings, or—and I shall not have to impose a great tax on the recollection of hon. members in stating the last of my incitements—by their desire to criminate a government to which they entertain hostility—make use of expressions by which, in their calmer moments, they would much regret being obliged to abide. This takes place almost every day, and is it, I ask, fair or just, that upon

such evidence the conduct of a public man should be judged? The hon. member for Tipperary admitted, that as far as Lord Londonderry's personal character is concerned, he has ever acted with the manliness which is inseparable from his mind and character. Is this, let me ask, an unimportant quality in an ambassador? The hon. member for Middlesex, in order to make out a case against the noble marquis, has brought up the collateral question of the salary connected with the office of ambassador. Sir, let me ask what is that hon. gentleman's authority for stating that the salary of the Russian ambassador is £15,000 a-year?

Mr. Hume had stated, that the salary attached to the office was £10,000 a-year; but that in addition to that sum, there was an allowance of £1,000 a-year for a house, which, with contingencies calculated at £4,000 a-year, brought the annual income of the office up to the sum of £15,000.

Sir Robert Peel:—I don't exactly know how the fact may be, and therefore cannot deny the hon. member's statement. The hon. member may be right, but still I may say he is not so uniformly accurate in his statements, that I would wish to take it on his representation alone. But be that as it may, is it exceeding the salary usually allotted to the ambassador to the court of Russia? Is it more than the salary allowed to Sir Stratford Canning? Is it not, in short, the rate of salary fixed upon by Lord Palmerston, and sanctioned by the late government? What right, then, let me ask, has the hon. member for Middlesex—or any other hon. member—to endeavour to create an impression against the individual by speaking of the amount of salary attached to the office he is appointed to fill? Is the amount of the salary sufficient to vitiate the appointment? If it be, reduce it. If the character of the individual selected makes his selection an improper one, attack it; but do not endeavour to create a feeling against the individual by joining the question of character with that of salary, which the present government did not fix, but which they found established by their predecessors. The hon. gentleman's other accusation against Lord Londonderry was this—that he had been attacked in *The Times*. He said, "You will find that twice in *The Times* there have been severe attacks against him." The hon. gentleman says, *The Times* is a fair indication of public opinion. Will the hon. gentleman consent to take his own character from *The Times*? Now I think that is a very fair way of going to work; for if the hon. gentleman comes down with *The Times* as a witness against Lord Londonderry, and attaching the greatest importance to the opinions of *The Times*, and its extensive circulation—brings *The Times* forward as the justification of his attack upon Lord Londonderry, I can only say, that he has a feeling for a witness not very favourable to himself. Lord Londonderry has long served the public in public capacities. He believes that no one can call in question the military pretensions of Lord Londonderry; and that no one will say that any officer, except the gallant general under whom he had served, has ever shown greater devotedness to the public service, or exposed himself in the course of that service to greater personal danger. [Cries of "Oh!" from the Opposition.] "Oh!" says the hon. member for Marylebone, ever ready to hear an attack on those to whom he is politically opposed, and ever equally ready to interrupt those who seek to defend the absent from unjust imputations. [Sir Samuel Whalley was not the only member who had interrupted the right hon. baronet.] I presume the hon. gentleman will not require me to name such offenders *seriatim*; at all events, the hon. gentleman was one of those who interrupted my defence of an individual for whom I again claim the credit of having nobly served his country; but I will not take up the time of the House by bestowing any more notice on the interruption. The right hon. baronet proceeded to observe that Lord Londonderry had been on the staff in the Duke of Wellington's army from the year 1809 to 1813, and Adjutant-general in the army in Spain. He was aware that many persons might assert, that to show a successful military career and great devotion to the service, was no proof of general ability; but he should address himself to that part of the subject hereafter. His noble friend, Lord Londonderry, having been Adjutant-general for a period of four years, and during a campaign of no ordinary difficulty, could not surely be considered a very inefficient person. His noble friend served in a diplomatic capacity from the year 1813 till the year 1822. He was appointed minister at Berlin in 1813; he was appointed Ambassador to Vienna in 1814; and he retired from the service in the year 1823, at his own request. Reference

had been made—and he really thought most unfairly made—to an application made by his noble friend for a pension, to which he thought himself entitled. He did not receive that pension.—He put an erroneous construction on his claim. But suppose his noble friend did so, he would ask any man—he would refer the matter to any hon. gentleman opposite, and ask him, as a private individual—could the circumstance of a public man, entertaining that opinion, and making that claim which was not acceded to, be fairly taken as evidence of his general character, and as proof of his inefficiency to serve the public? Surely the main question, after all, was, as to the manner in which his noble friend had conducted himself—not in his military capacity, not in his office as Adjutant-general, though important duties were connected with it—but in the diplomatic situation he had held, of equal rank with that for which he had been now designed, and which he had held, for a period of ten years, in most critical times? It would not be difficult to obtain testimony to the conduct of his noble friend. No doubt, however, if an appeal were made to Lord Aberdeen, hon. gentlemen opposite would object to the testimony of that noble lord; or, if an appeal were made to the Duke of Wellington, they would equally protest against being bound by the noble duke's evidence in such a matter. But if he referred to the opinion of Mr. Canning, could hon. gentlemen object then? Could they refuse to receive the opinion of Mr. Canning as to the ability, as to the integrity, in short, as to the qualifications of his noble friend, Lord Londonderry? Mr. Canning, on his appointment to office, on the ground, be it borne in mind, of his foreign policy, received the cordial support of hon. gentlemen opposite. They overlooked his opinions on some matters of domestic policy, declaring that out of consideration for the course taken by him in foreign politics, they were prepared to give his government general and cordial support. It might be said, that he was speaking of an early period of the life of Mr. Canning—but considering that Mr. Canning was in the situation of a minister of the Crown, there could not be any one but must be proud of such a testimony to his ability and qualifications as that which he was about to read. When his noble friend Lord Londonderry expressed a wish to resign his situation at Vienna, he received the following letter from Mr. Canning:—

“FOREIGN OFFICE, *October 15th*, 1822.

“MY LORD —Having laid before the king your excellency's despatch, dated the 26th ult., requesting his Majesty's gracious permission to retire from the eminent post of his Majesty's ambassador to the court of Vienna, I have received the commands of his Majesty to signify to your excellency, that his Majesty has been most graciously pleased to grant the permission you solicit, accompanied with an expression of his Majesty's deep regret for the loss of your excellency's services, and of his Majesty's full and entire approbation of the manner in which your excellency has for a series of years, and in times of the most critical importance, conducted the affairs of the embassy intrusted to your charge, and maintained the intimacy and cordial good understanding so happily subsisting between his Majesty and his Majesty's imperial ally.”

Such was the testimony borne by Mr. Canning to his noble friend Lord Londonderry, on his resignation, on the last occasion on which he was employed in the public service; and he must say, that considering the intimate personal acquaintance of his noble friend with all those who were concerned with—and the part he had himself taken in the great events which followed the year 1814, considering the proof given that he had performed his arduous duties most satisfactorily (such being the opinion, as he had just read, of Mr. Canning), he could not believe that any angry speeches—he could not believe that any such speech as that delivered at Hillsborough, he could not believe that an application for a pension, would be sufficient to countervail the weight of that testimony which had been given by an impartial individual. He wished to know—apart from the extract produced by the hon. gentleman, and apart from the general prejudice entertained against his noble friend by hon. gentlemen opposite—he wished to know what was the allegation against his noble friend which he had not met? Apart from that particular passage which the hon. gentleman read, what, he again asked, was the allegation against his noble friend? The hon. and learned gentleman touched lightly on our relations with Turkey and Russia. The hon. gentleman said it was the duty of government to have taken steps for the purpose of preventing the Turkish barriers

being crossed by the Russian army. He knew not what some hon. members might think, but he was of opinion that the House of Commons would not have sanctioned the sending of a great military expedition, such as would have been necessary for the purpose of preventing the Russian troops passing the Balkan. In the first place, entreating hon. gentlemen to recollect the situation we were in at that time with respect to Greece, he greatly doubted whether any actual interference on the part of this country would have been effectual—he doubted that the House would have sanctioned it, and at all events he thought it must have terminated the negotiations that were then going on in behalf of Greece by this country. Then, if we had taken a hostile position, a small force would not have been sufficient, and he begged to ask the hon. member for Middlesex, whether he would have been disposed to consent to a considerable increase of our military establishment with such an object in view? A force of 30,000, or 35,000 men, would have been required for the protection of Constantinople: experience had shown the impolicy of any nation involving itself in the difficulties of a hostile position without a sufficient force to accomplish its object. If once they had commenced war for the protection of Turkey, would any hon. gentleman say, that such a war ought to have been undertaken with a small force? Lord Holland was not one of those who thought it desirable for this country to go to war for the purpose of defending the tottering empire of Turkey, which was falling probably by its internal dissensions and misgovernment, as much as by hostility on the part of Russia; that noble lord did not think it desirable that we should interfere actively and singly against all the other powers. Lord Holland's opinion he was not going to denounce: he quoted him only as an authority, not for the purpose of condemnation. Speaking of the opinion, that Turkey was our ancient ally, his lordship said:—"No, my Lords, I hope I never shall see, God forbid I ever should see—for this proposition would be scouted from one end of England to another—any preparations, or any proposition, or any attempt to defend this our ancient ally from the attacks of its enemies. There was no arrangement made in that treaty for preserving the crumbling and hateful, or, as Mr. Burke called it, the wasteful and disgusting empire of the Turks from dismemberment and destruction; and none of the powers who were parties to that treaty, will ever, I hope, save this falling empire of Turkey from ruin." Supposing that he (Sir Robert Peel) were to refer to this passage from Lord Holland's speech, a passage containing opinions so widely at variance from those of the hon. gentleman opposite, and supposing that he were to argue, as the hon. gentleman now argued, that the man who delivered the opinion, that England ought never to interfere for the preservation of Turkey, was unfit to be admitted into the councils of his Sovereign, because he had given an opinion that might encourage Russia to attempt the dismemberment of Turkey, because he held opinions which, being known to Russia, proved to her that she might attack Turkey with safety, secure from danger of defence being offered from that government of which Lord Holland formed a particular part, would it be fair in him to select that for the purpose of attacking Lord Holland on the policy that was pursued? He really thought hon. members ought not, therefore, to be too critical of each other's language. But this attack against the noble lord had been made in his absence. He did not complain of the hon. member who made it, he only desired the House to recollect who the individual was who had made the speech, an extract of which he had just read—to recollect that the book which he held in his hand, did not prove the allegation that had been made against the noble lord, and that the noble individual ought to have an opportunity of vindicating his own conduct. If the hon. gentleman should think it expedient to make a precedent to interpose a negative between the exercise of the king's prerogative, and to establish it with respect to the appointment of an ambassador, the House might rest assured, that the precedent would not stop there; but that it would be acted upon in the case of every appointment that a powerful minority might choose to question—[Cries of a "Majority"]—well, if it were a strong majority, *à fortiori* the constitutional objection to this course of proceeding was still stronger. He had no wish, he could assure hon. gentlemen opposite, to underrate their force: but if they were a majority, still it would be an infinitely better course for them to exert their power in an attack on the ministers—to ask the Crown to remove them—to declare their entire want of confidence in those ministers, and address the Crown for their removal—it would surely be infinitely better for the

majority to take that course, than to lower the prerogative of the Crown by assuming undue powers, and interfering with those which properly belonged to the Crown.

March 16, 1835.

Lord John Russell begged to ask the right hon. baronet whether, after what passed in this House on Friday night, it is still the intention of the Marquess of Londonderry to proceed to St. Petersburg as his Majesty's ambassador?

SIR ROBERT PEEL: I will answer the question of the noble lord without the slightest reserve. About an hour since a letter was sent to me by the Secretary of State for foreign affairs, which he had just received from the Marquess of Londonderry. The noble marquess stated, that after the debate on Friday, he felt that his power of usefulness as his Majesty's representative at St. Petersburg must be greatly impaired. He had therefore thought it a public duty to relinquish the situation for which he had been chosen. I am bound to add, that that course was adopted by the noble marquess entirely on his own judgment, unsolicited and unsuggested, either directly or indirectly, by his Majesty's government.

Lord John Russell could not help feeling that it must greatly diminish the respect and consideration with which this government is viewed by foreign courts, when it is found that the notification of the Secretary of State for foreign affairs that an ambassador has been appointed, may afterwards be cancelled, not by a direct vote, but by an implied censure of the House of Commons.

Sir Robert Peel: The noble lord has assumed, that the retirement of the Marquess of Londonderry took place in consequence of the proceedings of the House of Commons. I do not mean to deny that it arose out of the discussion here—I meant nothing so unfair or so uncandid as to deny that the resignation was the consequence of that discussion; but I beg leave to remind the House, that it was only a discussion, and not a vote in the form of an address to the Crown. When the right hon. baronet, the member for Nottingham, asked me, on Friday night, whether it was my intention to advise the Crown to cancel the appointment, or to withhold the completion of it, I did feel myself bound distinctly to state, that I should not consider it consistent with my duty as a public man to tender that advice. Some may suppose that the decision of the Marquess of Londonderry, though not directly suggested by government, was made in consequence of some indirect communication. I beg leave distinctly to declare, that such was not the case. It was the single unsolicited act of the Marquess of Londonderry. No doubt, that appointment met with the disapprobation of those who expressed themselves in the course of the debate on the former night; but at the same time I cannot help reminding the noble lord, that even if a majority of the House had pronounced itself adverse to it, it would be some consolation to recollect that, I will not say the same majority, but still a majority, pronounced itself adverse to the re-appointment of Viscount Canterbury to the Chair. With respect to the observation of the noble lord, upon the inconvenience to the public service of government not being possessed of the confidence of a majority of the House of Commons, I can only say, that whenever the noble lord, or any other man, thinks himself able to form a government possessing more of public confidence, I submit that the proper course will be for him to give notice of that direct motion. It may be some such motion, probably, as the hon. member for Middlesex has intimated will be brought forward, and then we shall be enabled to see by the result, whether the House of Commons is prepared to agree to a vote which would be tantamount to a direct address for removal. Because a man in the situation I hold, has a perfect right to consider, whatever may be the consequence of a resignation of the trust, that it is not upon slight grounds, nor for a slight disappointment or mortification, that he ought to feel himself warranted in retiring from the king's service. The true way for the House of Commons to displace an administration is, not by a motion which those who vote for it state they hope will not have the effect of removing the government, but by a motion that will distinctly imply, that some other government possesses more of the confidence of the House, with greater ability to preserve it by the discharge of its public duties. No man is more anxious than I am that that question shall be brought to a fair and a speedy trial.

Later in the evening,—

Sir Robert Peel begged to represent to the House, that he was placed

in a difficult situation by debates arising out of questions put to members of the government. An hon. member on the opposite side of the House got up and asked a question, which he answered, not expecting a debate; and he was afterwards precluded from taking any notice of what occurred. He would take advantage of the indulgence of the House to thank the right hon. gentleman (Sir John Hobhouse) at least for the fair spirit with which he had judged of the course taken by the government—a spirit, let him add, worthy of a public man, and very different from that which characterised the remarks of the hon. member for Middlesex. Supposing that he had said, in answer to the question which the hon. baronet had put to him the other night, that he was prepared to advise the Marquess of Londonderry to retire, should he not have deprived the noble lord of the grace and dignity of voluntary retirement? He could not conceive any thing more unjust than not to have given to the noble marquess an opportunity of considering the situation in which he was placed, and to have robbed him of the merit of deferring to what appeared to be the sense of the House of Commons. The right hon. baronet opposite (Sir John Hobhouse) had also done justice to the government in another particular, namely, in inferring that they would not have abandoned the Marquess of Londonderry, after the appointment had been tendered to, and accepted by that noble lord, at a period of great difficulty, and under the peculiar circumstances in which the government were involved. The hon. member for Middlesex had accused him of acting in opposition to the majority of that House. Now, he would ask, did he stand forward and declare the intentions of government in a hasty and insulting manner to the House of Commons? A question having been put to him, he could not avoid stating the course which government intended to pursue. If the opinion expressed by the House was meant as a condemnation of the foreign policy of the government, he must be permitted to say, that that was too important a question to be disposed of, not by votes, but by a discussion springing up on the motion, that the House resolve into a committee of supply. He could not then regard what had occurred as intended for a condemnation of the foreign policy of the government, but only as the expression of the opinion of the House with respect to an individual appointment. What steps the House might have thought proper to take if the Marquess of Londonderry had not acted as he had done, it was not for him to say; but he had said before, and he now repeated, with all respect towards the House, and with no wish to slight its opinion, that he never would have suggested to the Marquess of Londonderry to take the course which, from a sense of his own honour, and the dictates of his own judgment, that nobleman had adopted; nor would he, until the opinion of the House had been expressed in a regular and formal manner, have tendered his advice to the Crown to revoke the appointment. He felt obliged to the House for having allowed him to trespass so long on its attention, and he would not avail himself of the indulgence further than again to state, that he considered it would be only fair, on the part of the hon. member for Middlesex, to give him notice of the day when he intended to bring forward any motion involving the existence of the government. It, undoubtedly, was hardly fair in the hon. member to be threatening the government with motions from time to time, asserting that they would be brought forward at an early period, and yet shrinking constantly from naming any particular day. The hon. member for Middlesex had already threatened the government with a motion for limiting the supplies, and certainly he should have been prepared to resign if the House of Commons had voted in favour of such a motion; for that, undoubtedly, would have been such a demonstration of want of confidence as would have rendered it impossible for any government afterwards to remain in office. Now, he told the hon. member for Middlesex, that if he was anxious to bring forward any motion against the government, and could not find a day for the purpose, he would facilitate the hon. member's views. But if the hon. member would not name a day for any such motion, it was hardly fair in him to deal out menaces which he was prepared to enforce.

Lord John Russell would not expose himself to the chance of being told that he had rejected the reforms of the right hon. baronet before being able to judge of them, but was willing to wait for the time and hour when he would bring forward those great measures of reform which he had promised.

Sir Robert Peel said, that it would then appear from the noble lord's statement, that the course the ministry was pursuing was the right one, for the



noble lord did not mean to refuse a hearing to the ministry; the noble lord was, in fact, prepared to give them confidence, he was prepared to wait for their measures. He intended to propose to-morrow a bill for the relief of persons dissenting from the Church of England in regard to the celebration of marriage; and another bill in the course of next week, to promote the commutation of tithe in England. In the course of the present week also an attempt would be made to settle a question, the most difficult of all, and requiring immediate attention—namely, the tithe question of Ireland. Now, he begged to put this question to the noble lord opposite—if, in consequence of discussions in that House, and of votes, excepting the questionable votes on the speakership and on the address, he had thrown up the government, would not the noble lord, with his present sentiments, have turned and said to him, “You are guilty of a cowardly abandonment of office; you never meant to remove grievances; we never brought forward a direct vote of censure—we were prepared to hear your propositions, but you yourself have shrunk from the trial?”

The subject was dropped, and the House went into a committee of supply.

## DISSENTERS' MARRIAGES.

MARCH 17, 1835.

SIR ROBERT PEEL said, that the motion with which he should on this occasion conclude, would have for its object to effect the settlement of a great and important question, which was of great consequence to the public, and which interested a large portion of the community. It was a question which had been for a long time unsettled, and to settle which various, but ineffectual attempts, had at different times been made; and, if it were once set at rest on proper and satisfactory principles, that would tend to promote harmony, peace, and contentment among those who adhered to the principles of the Established Church of England themselves, as well as to those who conscientiously dissented from the principles of that Church. The object of the motion which he should submit to the House was, to provide relief in regard to the celebration of the ceremony of marriage to those Dissenters from the Church of England, who objected to having the ceremony of marriage performed as at present required according to the rites and ordinances of the Established Church. It was no doubt known to all who heard him, that in the year 1754, an Act had passed, 26 George II., commonly known by the name of Lord Hardwicke's Act, which made a great alteration in the law of this country in respect to marriage. By that Act, it was provided, that no marriage ceremony should be performed by any clergyman, excepting by a clergyman of the Church of England, and according to the rites and ordinances of the Established Church. The only exception made was in favour of Jews and Quakers, who were allowed to contract marriage according to their own forms and ceremonies. The Dissenting body objected to the provisions of that Act. They alleged that there was no relation in life which tended more to the happiness of individuals, and the general good of society, than that of marriage; and they objected to a law which rendered that relation invalid, unless it were contracted according to rites, and in conformity to ceremonies, in which they could not conscientiously concur; and they, therefore, required of the legislature the enactment of such a law as would enable them to contract the ceremony of marriage, without being compelled to go through those forms and ceremonies from which they conscientiously dissented. That was the objection brought by the Dissenters to the law as it now stood. Now, he would say, that if the scruples of the Dissenters were really sincere, that no one could deny, not only the justice, but the policy, of affording them the relief which they required. The Church of England could have no object in calling upon those who conscientiously dissented from its tenets and principles in all other matters, to contract the ceremony of marriage according to the rites of that church. Neither had society any interest in requiring that such a ceremony should be performed. It was not sufficient to say, that the ceremony of marriage, as contracted according to the rites of the Church of England, was a mere form of words, and that the persons so contracting marriage were not called upon to subscribe to any of the doctrines or principles of that church. The persons contracting marriage

received, according to the rites of the Established Church, a solemn benediction from the mouth of the clergyman, expressly and avowedly for the purpose of giving a religious sanction to the ceremony; and if the contracting party could not conscientiously comply with the ceremony, or concur in that benediction, it ceased to be that solemn and religious ceremony which was intended. Under those circumstances, it became necessary to consider what mode of relief could be afforded to Dissenters; and it occurred to him, that of all the plans proposed, there were only three which were at all feasible, or by which the object the Dissenters had in view, could possibly be accomplished. In the first place, it had been suggested as a remedy, that it might be possible to alter the ceremony of the Church of England. But the alteration in that ceremony would, in his opinion, be a violation done to the consciences of those who, adhering to the doctrines of the Church, entirely approved of that ceremony. There was nothing in that ceremony to which they felt the slightest objection; on the contrary, the benediction and all the proceedings contained the essential and vital principles of their faith. The members of the Church of England, therefore, had a fair right to object to the alteration of a ceremony with which they were perfectly satisfied, and which was entirely conformable to their feelings and doctrines, provided that any other mode of satisfying the conscientious scruples of those who dissented from the Church could be discovered. Besides, the only object that could be gained by such an alteration would be, provided a concomitant enactment were passed for the purpose, that no marriages should take place, unless they were solemnized according to the altered form. Because, if the form of the Church of England were altered in the first instance, and parties were afterwards left to perform what rite they pleased, for the purpose of giving a sanction to the act of marriage, it was quite clear that nothing would have been gained; and, on the other hand, if it were made compulsory on all parties to celebrate the ceremony of marriage according to the altered form, he believed it would be quite impossible to establish any rite, to be performed in the Church of England, by a minister of that Church, which would be satisfactory, without exception, to the whole Dissenting body. In fact, there were, he believed, some parties who objected to any religious ceremony at all. Others there were who did not object to the religious rite, but who objected to the principle of being compelled to solemnize the act of marriage in the Church of England, or through the aid of a minister belonging to the Established Church. The result, therefore, of any attempt to alter the marriage ceremony of the Church of England, would probably be, that the legislature would do violence to the consciences of the members of that Church, and at the same time give no satisfaction to the Dissenters, but the reverse, if the House were to compel them by law to celebrate their marriages according to a certain ceremony, let that ceremony be as different as it might from the existing one. In his opinion, therefore, it was not expedient to attempt any alteration of the religious rite of the Church of England, with the view of giving satisfaction to the Dissenters, especially with our knowing whether such an alteration would meet with the general concurrence of the members of the Church. But even if the concurrence of the adherents of the Church were obtained, he did not know whether it would be proper to adopt the plan, for he could not hope to make such a change in the present ceremony, as would give satisfaction both to all classes of Dissenters, and to the members of the Established Church. He, therefore, dismissed from his mind all hope of settling the question by the adoption of that plan—namely, by an alteration in the Liturgy of the Church of England. The second mode by which it might be possible to give relief to the Dissenters, and a mode which had been hitherto almost always tried was, to make some provision by which Dissenters should be able to perform the ceremony of marriage within Dissenting chapels, and various bills had been submitted to the consideration of Parliament, since the year 1824, some of which had passed the House of Commons, founded on the principle of giving permission to Dissenters to celebrate their marriage ceremony within their own places of worship. In 1824, a measure was introduced for that purpose, but it provided relief solely for the case of the Unitarians. In 1825, another bill was brought in for the same object; and in 1827, a measure was introduced founded on a different principle. At length, in 1834, the noble lord opposite proposed his bill, and that was the last measure on this subject which had been submitted to the consideration of parliament. The noble

lord's bill was founded on the principle of attempting to give perfect satisfaction to the Dissenter, by permitting him, under certain regulations, to celebrate the ceremony of marriage in his own Dissenting chapel. He would proceed to describe the provisions of that bill. In devising any plan for the relief of Dissenters, in respect to the celebration of marriages, it was necessary to consider three points, each of which was of essential importance. The first was the notice which should be given (either in the way of license, or of bans, or by some other mode), by the instrumentality of which the commission of fraud, and the celebration of clandestine marriages, might be prevented. The second point was the nature of the contract or ceremony which should be performed. The third point was the mode of registration. The noble lord's bill provided for these three separate and important objects in the following manner.—The noble lord proposed that the bans for the marriage of a Dissenter should be published in a church, by a minister of the Established Church, in the same manner as bans were at present published; that a declaration of the fact of the publication of the bans, should afterwards be given by the minister of the Church, and that the Dissenter should then be allowed to celebrate the ceremony of marriage in a Dissenting chapel, duly licensed for that purpose. The noble lord's bill also enacted that a license should be issued for the solemnization of marriage in any Dissenting chapel, provided that an application for such license should be made by twenty householders; and the Quarter Sessions had no power to withhold the license, if so applied for. The bans of marriage having been previously published by a minister of the Church of England, the Dissenter was at liberty to have his marriage solemnized in one of the licensed chapels. With respect to registration, the noble lord's bill provided, that the minister, teacher, or preacher, who officiated in the licensed chapel, should keep the registry of marriages; that the book should be provided at the expense of those who frequented the chapel for the purpose of worship; and that, after a certain period, the registry should be transmitted to the register of the diocese, to be kept by him. Such were the provisions of the bill brought in by the noble lord, unquestionably with the best intentions, and for the purpose of giving satisfaction to the Dissenters; but it was open, in his (Sir Robert Peel's) opinion to objections; and, first of all, to this very powerful objection—that it gave no satisfaction whatever to those it was intended to relieve. The grounds on which the Dissenters were displeased with that bill, were stated in various petitions presented to the House; and he would refer to one of those petitions, in which their objections were very briefly but emphatically expressed. The petition to which he alluded was presented in the course of the last session, and it contained a solemn and decided protest on the part of the Protestant Dissenters, against the bill of the noble lord, which they opposed on the following grounds;—1, because they objected to the celebration of marriages in places of worship exclusively; 2, because they objected to the publication of bans in parish churches, and to the granting of licenses by surrogates; and 3, because they felt, that the affixing the license granted for the solemnization of marriages in some conspicuous part of their places of worship would give rise to feelings which it would be better to avoid exciting. It would be seen, therefore, that very material objections were entertained by the Dissenters to the measure proposed by the noble lord. In his opinion, the third objection was one of minor importance; but still it must be remembered that it was put forward by the Dissenters themselves. Besides these objections there were others which he thought might be urged to the noble lord's bill on general grounds. The noble lord proposed to permit the marriage ceremony to be solemnized in any place licensed for that purpose on the application of twenty resident householders. Now, he was sure that, however they might differ on matters of religion, they would be all of one opinion, as to the extreme importance to society of taking effectual precautions against fraud, and the celebration of clandestine marriages. In his opinion the Dissenters were equally interested with the rest of the community in the adoption of these precautions, for the sake of the peace of their own families, as well as for the general interests of society. And he thought that, as such precautions were in a great measure effectual in the case of members of the establishment, he was not going too far in saying, that members of the Dissenting bodies must be peculiarly anxious to have similar precautions adopted in respect to themselves. Unless effectual precautions were taken in their case, the Dissenters, and particularly the female

members of their families, would be subject to be practised upon by imposition and unfair artifice. It was quite clear that society in general was interested in taking effectual precautions against the commission of frauds in this matter. In making new regulations, it was necessary not only to take into consideration the regulations already existing, but also the means which might be afforded, in consequence of the alteration of the law for the commission of fraud. It was well known, that the law placed no impediment in the way of the registration of Dissenting chapels; the law imposed no test by which the character of Dissenting chapels could be known. Any parties wishing to register a place for the purpose of religious worship, had only to apply in proper form, and on the payment of half-a-crown the registration was effected as a matter of course, and the place then became entitled to the protection of the law as a place of religious worship. It was not necessary that the place registered should be a separate building; and he apprehended, that if application were made for the licensing of a room for the purpose of religious worship, the license must immediately follow on the payment of 2s. 6d. If the noble lord's bill, then, had passed into a law, how easy would it have been for parties, on their application, though it might not be a *bonâ fide* application, to get a room licensed for the purpose of religious worship in the first instance; and afterwards, if twenty persons had made application that that room should be licensed for the solemnization of marriages, there would have been no authority to prevent the issue of a license for that purpose. Where so general and promiscuous a license was given for the performance of the ceremony of marriage, great apprehension would necessarily be felt, that those frauds and evasions of the law, against which it was so desirable to guard, would take place. The noble lord proposed to permit the ceremony of marriage to be performed by any teacher or preacher. Now, it was undoubtedly true, that in some Dissenting communities there were preachers with a fixed and stationary character, fully recognised as ministers of settled congregations; but there were also some ministers who had no such fixed or stationary character, and who belonged to various congregations. The noble lord's bill, however, would have given authority to the latter description of preachers to celebrate marriages. It therefore appeared to him most desirable, in giving relief to the Dissenters, that the House should proceed on a principle which would apply equally well to all classes and kinds of Dissenters. With respect to registration, the noble lord's bill provided, that the registries should be kept by the minister, teacher, or preacher, that they should not only be in his handwriting, but also in his custody. Now, if this regulation were applied indiscriminately to all descriptions of preachers—both to those who had a fixed and stationary character, and to those who had no settled character—and they were invested with the important duty not only of making the registries, but also of keeping them in their custody, it was quite clear that sufficient precautions would not have been taken against the evasion of the intentions of the legislature. But as the noble lord's object was to give relief to the Dissenting body, it was the less necessary for him to refer to the other provisions of the bill, since it had proved unsatisfactory to the Dissenters. It was quite clear, that the great object which the noble lord had in view, had not been gained by the introduction of that measure. He had already alluded to two modes by which it might be supposed, on a first impression, that relief should be given to the Dissenters:—1st, to an alteration of the marriage ceremony of the Church of England, which he set aside as an ineffectual mode; and 2dly, to the mode adopted by the noble lord, which continued the publication of the bans by the ministers of the Church of England, but which permitted the marriage of Dissenters to be solemnized by the ministers of the congregations to which they belonged. The second mode not having given satisfaction to the Dissenters, it therefore remained to be considered by what mode satisfaction could be given to that body, consistently with a principle which would admit of universal application without inconvenience or mischief. He would now, after much consideration of the noble lord's bill, which had proved unsatisfactory, not only to the Dissenters, but also to many members of the Established Church (for they had objected to be made the instruments of performing the preliminary ceremony of the publication of the bans, in respect to a rite which it was proposed should cease to be sanctioned by the religious forms of the Church of England)—he would now, he repeated, proceed to state to the House the principles on which he proposed to found a bill, for the purpose of

giving relief to the Dissenters. It appeared to him that by far the most efficient and least objectionable mode of giving that relief was to propose two ceremonies, one a civil ceremony, and the other a religious ceremony; taking care to encourage, as far as possible, the religious ceremony, but not imposing it as an absolute and essential condition of the validity of a marriage. He would make the civil ceremony an indispensable preliminary of marriage. That was the security which he would require on the part of society. He would fain hope, however, that the ceremony of marriage would not, in consequence, be divested of its religious character; he believed that it would not. He believed, that so much importance was attached to the religious rite by the Dissenting body, that they would in almost all cases superadd the religious to the civil ceremony; and he doubted not, that the religious sanction so superadded, would be more efficient as a sanction if left to be imposed by the parties themselves, according to such forms as were most acceptable to them, than if prescribed in the nature of a fixed ceremony by the legislature. Every one must desire to see the religious sanction possess a solemn and binding character; but was it probable that it would have the effect of solemnity, or be of a binding nature, if it were not precisely in accordance with the conscientious feelings of the parties on whom it was imposed; but if it were, on the contrary, prescribed and determined by law, to which they would be compelled to submit? He repeated, that he would encourage as much as possible the religious ceremony, but he would not exact its performance as an indispensable condition of the validity of marriage. Indeed, it would be impossible for the legislature to impose one fixed form of religious ceremony; it must be varied to suit the different opinions of the different bodies of Dissenters. The religious ceremony that would suit the Unitarians, would not suit the Independents, or the Baptists. But it appeared to him, that if the legislature were to leave the Dissenting bodies to superadd to the civil contract of marriage such religious observances as were in accordance with their peculiar opinions, nothing of the value of a religious sanction would thereby be lost. In acting on this principle he was acting in precise conformity with the principle of a bill which passed the House of Commons in the year 1827, and which proceeded in the House of Lords to a third reading, and which was then only postponed on account of the advanced period of the session. The bill, which related to Unitarians, was introduced by Mr. W. Smith, and the House would see from a description of its provisions, that it directly recognised the principle on which he now proposed to proceed. The bill provided, that "the bans were to be published in Church. Where both parties were Unitarians, a certificate of the publication was to be given by the clergyman, on payment of the usual fee. On presentation of that certificate to a magistrate, the magistrate might marry the parties. The parties were required to make a declaration, that they were both Unitarians. Magistrates marrying the parties were required to give certificates of marriage, such certificates to be deposited in the parish chest, and marriages to be entered on the parish registry." Before he entered into an explanation of the particular details of the measure he proposed to introduce, he wished to show the House that the principle on which it was founded was recognised by the law of England previous to the marriage act of 1754. He apprehended that the law of England recognised marriage as a civil contract; and that it did not require, as an essential and indispensable condition of the validity of that contract, the performance of any religious ceremony. In the famous case of "*Dalrymple v. Dalrymple*," Lord Stowell, then Sir W. Scott, laid down that principle, and in support of his opinion, he referred to the judgment of Lord Holt, in the reign of Queen Anne, in the following terms:—"It was said by Lord Holt, and agreed to by the whole court, that if a contract be *per verba de presenti*, it amounts to an actual marriage, which the very party themselves cannot dissolve by release, or other mutual agreement, for it is as much a marriage in the sight of God, as if it had been *in facie ecclesie*." In *Wigmore's case* the same Judge said, "that a contract *per verba de presenti* is a marriage, so is a contract *per verba de futuro*; if the contract be executed, and the man take her, it is a marriage; and they cannot be punished for fornication." Lord Stowell stated, that in the ecclesiastical courts, as well as in the common law, "the stream ran uniformly in the same course," and he referred to the case of Lord Fitzmaurice, the son of the Earl of Kerry, brought in the year 1732, before the court of delegates. In that case it appeared that the

engagement to marry was made in the following terms:—"We swear to marry one another," and it was held that each party was bound by that declaration. The decision of the court was to the following effect:—"The court, composed of a full commission, paid no regard to the objection, and found for the marriage, and, on application for a commission of review, founded upon new matter alleged, was refused by the chancellor." Lord Stowell next observed, that things continued on this footing till the marriage act of 1754, which was not intended to give the ceremony of marriage a religious sanction, as a religious sanction; but was only intended as a precaution against fraud and clandestine marriage. In making, therefore, the civil contract an indispensable condition of the validity of marriages, and leaving parties to superadd the religious sanction, he was acting in conformity, not only with the principle of the bill of 1827, but with what was the principle of the law of England previous to the marriage act of 1754; and he thought he was only acting in conformity with the dictates of reason and good sense in not prescribing any precise religious ceremony, but in leaving the parties interested to fix for themselves such religious sanction as was best suited to their religious opinions. The principle of his bill was also recognised by the existing law, because the marriage act of 1754 did not impose the religious ceremony as an indispensable condition in all cases, for that act expressly provided that its enactments should not extend to the cases of Jews and Quakers. He knew that ingenious doubts had been expressed as to the validity of the marriages of Jews and Quakers; but he apprehended, that no man could doubt that the whole course of law established this position—that the marriages of Jews and Quakers were valid as far as regarded the legitimacy of the offspring, and the transmission of property. But in some of the possessions of the British Crown marriages could be performed without the intervention of a minister of the Established Church. In Ireland, the presence of a minister of the Church of England was not necessary to give validity to marriages; neither was it necessary in India. There were others in that House better informed on the subject than himself, but he believed that, according to the existing law in India, a marriage performed either by a minister of the Church of England, or by a Roman Catholic priest, was valid; while a marriage performed by a Presbyterian minister was not valid.

Dr. Lushington stated, that an act had been passed to legalize marriages performed in India by Presbyterian ministers.

Sir Robert Peel said he was not aware of that fact. He might extend his former remarks to the state of the marriage law in Newfoundland; but he thought he had said enough to show that the whole state of the marriage act required review and revision. In some of our dependencies, and even in this empire, it was far from being in a satisfactory state. Having said thus much of the general principles on which he proposed to proceed, he would now proceed to explain the enactments which his bill would include. It would be recollected that the Dissenters had objected to the bill of the noble lord opposite, because it required the publication of bans in churches by ministers of the Established Church. The present method of notifying the intentions of Dissenters to contract a marriage with one of their own community was repugnant to the feelings of the Dissenters, but if he could devise any other mode by which effectual notice could be given, which should relieve the Dissenter from the necessity of conforming to the religious rites of the establishment, and if he could introduce some simple form of notice, by which the conscientious feelings of a minister of the Church would be spared the pain of assisting in a ceremony which was in opposition to the forms prescribed by the establishment, he thought that the object he had in view would be effectually answered. In some cases, also, it would occur that an individual might assent to the civil contract, but might not wish to have it confirmed by the performance of any religious ceremony. Now, his bill would do a good deal to effect these objects. The form he intended to propose would be very simple, and if, when he had laid his views on this question before the House, this was found not to be sufficient, why, then, let the Dissenters join with him in framing one which would answer the ends better. If there were two parties who had an objection to the form of marriage as solemnized by the Church of England, they would have within their power the remedy which it was the object of the bill to secure to them. But he did not wish to make this enactment compulsory on all who conscientiously differed from the doctrines of the Church. He did hope that

the impediment of pride being removed, when it was no longer absolutely necessary for the Dissenter to be married according to the forms and establishment to whose doctrines he could not subscribe, he would, in many instances, not avail himself of the kind of relief proposed by the bill. He would give the Dissenter every facility of being married elsewhere, if he preferred it, but he hoped that the Dissenter would be induced, unless there was some serious objection in his mind to the form of the marriage ceremony as performed in the Church of England, to conform to that ceremony. What he meant to say was, that he did not wish to repudiate and reject the Dissenter from joining in the performance of the common rites and ceremonies of the establishment, if he thought proper to do so; but, on the other hand, if he objected to those rites and ceremonies, the bill would give him a full and satisfactory remedy. He proposed, that a civil ceremony only should be performed between parties who objected to the marriage rite of the church; and to render them competent for the performance of the ceremony, it would be necessary that one or both of them should have resided at least seven days previous in a certain hundred, before the magistrate of which the proceedings were to take place. The parties would have to give notice to the magistrate of the hundred, who would preside at the performance of what he (the Chancellor of the Exchequer) would call the civil ceremony of marriage—namely, the acknowledgment of the contract between the parties. Each would have, on the ratification of the contract, to give a written certificate, stating that he or she acknowledged the contract to be binding. The form would be found in the schedule of the bill, which he proposed to lay on the table, and was of the most simple kind. Each party would then sign a form, acknowledging the other as standing in the relationship of husband or wife. The written acknowledgment, or completion of the ceremony, before the civil magistrate, was not to take place till after a period of fourteen days subsequent to giving the notice, and must take place within three months of the period. He preferred the proceedings before a single magistrate, although he was aware that it might be said, that the security would be greater if the ceremony took place in the presence of several; but, when he recollected the nature of the ceremony, and the character of those who generally attended at the petty sessions, he was satisfied that it would be a relief to the parties about to enter into the strict relationship consequent on the contract, if he enabled them to enter into it before a single magistrate. He was sure that the grace and value of the gift would be diminished, if they made it requisite that the ceremony should be performed before a number of magistrates. He had now mentioned the nature of the relief which he intended to propose, and the nature of the civil contract he wished to recommend for those who objected to the performance of the ceremony in the Church. At present it was necessary to make a declaration previous to procuring a marriage license. He intended to propose, that a similar declaration should be made before the magistrate, on entering upon the civil contract; and the same oath, as on obtaining a license, would be administered, namely—that the parties were above the age of twenty-one; that the contract was with the consent of the parents or guardians; and that neither of them were aware of any legal impediment to the marriage. It might be said, that a door would be open to clandestine marriages by the non-publication of bans. At present, however, nothing was so delusive as the publication of bans; such a complete change had taken place in the state of society since they were adopted, that they gave no security for the object for which they were intended; he was convinced that most of the illegal or clandestine marriages that took place, were those where bans had been published. In many populous places, parties might have bans published, and their names escape observation. Under the system which he proposed, there would be no greater temptation to illegal marriages than there was at present. If the notice were incomplete, of course the magistrate would not suffer the contract to be completed. Where there were no religious scruples, it was not intended to alter the present form; but all that he had in view was, to relieve those who entertained objection to the marriage ceremony being performed in the Church by the clergyman. It appeared to him that the securities he had taken were quite as valid as those which existed on applying for a license. He was convinced that if he were to attempt to take superfluous securities, he would only diminish the value of the relief which he was anxious to afford. He should previously have stated that he also proposed, that the magistrate before whom

the acknowledgment of the contract was made, should take two or three copies of the form, which were to be signed by the parties, which would be the best evidence that could be obtained of the contract, and that one of these copies should be sent to the minister of the parish, whose duty it would be to keep the register of the civil contract of marriage. The Dissenters would not be brought into contact with the minister, but the magistrate would transmit to him one of the copies of the certificate, that the parties had entered into contract. It had been said, that they ought not to call upon clergymen to enter the names of the parties in the register, when the ceremony was not performed by themselves, but he was sure that the ministers of the Church would not object to become registrars. Whatever register, however, was adopted, he thought it desirable that they should, if possible, make it a common register, and not make distinctions. His own earnest wish was to leave this register, under the present state of things, in the hands of the ministers of the parish, being convinced that they would be less liable to inaccuracies than any other parties that could be chosen. He was aware, that there were some points that he might have passed over, but he trusted that the House would excuse him when they considered the number of matters he had had to consider during the sitting of parliament. It was not possible for him to give several important matters the attention which he wished. Among other things, he had been unable to give the consideration he desired to some measure for a general civil registration. If they were not able to obtain a new registration on a general principle immediately, he thought that it was desirable, in the mean time, to avail themselves of that form of register which they had. By the mode which he proposed, they would have a civil registry in one place, and a religious one in another. With respect to the claims for compensation, and the fees to the clergyman, for the simple registration, he had little to say. He believed, that when those matters which affected the scruples of Dissenters, were removed, that there would be less objection than at present, to the performance of the ceremony in the Church, and still less to the payment of fees. He intended to propose that the whole amount of fees payable in the civil contract of marriage, should not be more than seven shillings. There would be no necessity for payment for a license in this case any more than at present, when bans were published. Out of this fee of seven shillings, he proposed that five shillings should go to the parish officer or clergyman, who kept the register; by this means, he was justified in saying that the whole expense of a marriage would be less than it was at present. He assuredly felt much obliged to the House for the attention and kindness with which they had listened to him on a matter on which he was much less informed than those who had made the law their immediate study. He had not felt himself called upon to enter upon technical refinements on the subject, but had endeavoured, as shortly and simply as possible, to explain the enactment, which he trusted would have the effect of removing the conscientious objections of those who dissented from the Church, and at the same time relieving the ministers of the church from the publication of bans between parties who object to his performing the ceremony. If he succeeded in the object he had in view, he should rejoice at removing one of those causes which had tended to alienate the minds of those who dissented from the doctrines of the Church, from its ministers, much more than any thing connected with the ceremony could compensate to them. In conclusion, he did not propose the slightest change in the present law of marriage with respect to the members of the establishment; but with them the civil contract would still be subject to the religious sanction. He was sure that no one would object to the claim he put in for the members of the establishment, of the continuance of that law which best suited their habits and feelings, and which superadded the religious sanction to the civil contract. The right hon. gentleman concluded by moving for leave to bring in a bill for the relief of persons dissenting from the Church of England, in regard to the celebration of marriage.

Dr. Lushington wished to understand whether, when two persons were married in the manner proposed by the bill, questions as to their belonging to any sect of Dissenters, were to be put to them before, or subsequently to the performance of the contract?

Sir Robert Peel said, that the form of oath to be taken by the party ran thus:—“I, A. B., do swear that I am not a member of the united Church of England and Ireland, and that I have lived in the parish for so many days; that I am so many



years old, a bachelor or widower (as the case might be), and that I know of no other impediment, kindred, or alliance, which is an obstacle to this engagement."

An animated debate ensued, in which several members took part, towards the close of which,—

Sir Robert Peel said, that his only object in rising was to notice briefly the few observations which had been made in reference to the intended bill, lest they might have the effect of prejudicing it, either with hon. members or with the great body of the Dissenters. He never felt more satisfied of any thing than that he could succeed in convincing any reasonable body of Dissenters that the tendency of the bill would not be to establish any invidious distinctions—that there was nothing in the bill which could prove in the least objectionable to Dissenters, excepting that which must, under all circumstances, be inseparable from dissent. From the fair and liberal spirit in which the whole proposition had been met, he felt he had little more to do than express his confident hope, that practical grievance was about to be met by a practical and effectual remedy. There were objections, he was aware, to almost any view of the subject, and he had attempted to meet them in such a manner as should not shock the feelings of either party. His impression was, that if members of the establishment were satisfied with the present state of the law, that they should not be interfered with. Some hon. gentlemen in that House might say, "put the law on another footing—put it on a civil footing." But for his own part he could say that he never had heard from anybody belonging to the Church of England, or from any of the leaders of the great bodies of Dissenters, a desire to dispense with the religious solemnity. If he were to be required to declare that this solemnity should or might be dispensed with for the members of the Established Church, he certainly did think it would savour of that intolerance which was condemned by the Dissenter; for it would seem that that Dissenter not only looked for relief for himself, but expected that the government should make an alteration in the ceremonies of others, and accommodate them to the relief granted to him. He could assure the hon. gentleman opposite, that, so far from having a wish to put the Dissenters on a different footing, his anxiety was, if possible, to have made the ceremony a religious one. But he found that there were great difficulties in the way of this arrangement. If all classes of Dissenters entertained the same feelings and opinions on the subject, the settlement would have been extremely easy; but was this the case? And, therefore, was he obliged to adopt a different rule of proceeding. No degradation was ever contemplated by him in the arrangement. Those of the establishment conformed to certain principles and rules—to a prescribed form of religious worship; it was consequently easy to deal with them. If there were only one class and form of dissent, it would be equally easy to deal with the body of Dissenters, and far more agreeable to him to propose a religious rather than a civil ceremony. But hon. gentlemen should consider that he was not placed under these favourable circumstances. He had to legislate for a great number of different sects, possessing different principles, and he had found it impossible to prescribe any particular form of religious ceremony which could possibly be acceptable to all these various classes of religionists. Some sects of Dissenters were not in the practice of using in their marriages any religious ceremonies at all—the quakers, for example. And he believed there were other classes of Dissenters, who were equally indifferent to a religious ceremony. Now, if this were the case, would it not, according to the feelings of hon. gentlemen opposite, have been the strongest proof of intolerance, on his part, if he had attempted to prescribe and enforce one religious ceremony for all these different classes? How was it possible, he asked, that he could embody in one act, an arrangement to which all could agree? While, therefore, he claimed for the members of the Church of England the right of persisting in their ceremony, he would not, although he might succeed in pleasing one or two classes of Dissenters, attempt to prescribe a religious discipline respecting the matrimonial contracts of the multitudinous sections of those differing from the Established Church, in so great a variety of degrees. He denied that any slight was intended, or could reasonably be presumed to be imputed, to the several denominations of Dissenting ministers, because he did not declare them to be, one and all, fit and proper persons to solemnize, and give a legal sanction to, the matrimonial rite. He felt no difficulty in allowing anybody who had such a vocation, to preach and to teach; but he doubted

whether he could be held justifiable, even by the Dissenters themselves, in permitting a civil act of great importance—a contract of the most solemn nature—to be perfected by everybody and anybody, who might happen to have a congregation who were disposed to listen to him, and to acknowledge his ministry. Although he had no desire to interfere with the spiritual form which might be adopted, he had a right to ascertain that the civil contract had been duly made. He believed, that the learned and intelligent class of Dissenting ministers would feel themselves degraded, by being placed on the same footing with every illiterate parson, who might fancy himself inspired upon a particular occasion, and consequently competent to perform a religious ceremony, to teach and to preach, and to go through all the other functions of the Christian ministry. Hon. gentlemen who wished to have this conclusive right of performing the marriage ceremony conveyed to the Dissenting ministers, should show that it was safe to confide it to every man, who might claim and exercise the right of a preacher: if they did not do this, they would fall short in their argument, for how could the distinction be drawn between the teacher of one sect, however large, and of another, however small, of Dissenters? Therefore it was that he fell back upon the method which was likely to be most satisfactory to the general body of Dissenters, namely, that of encouraging the religious ceremony, and securing the accomplishment and the acknowledgment of the civil contract. He trusted that the Dissenters would be convinced, that there was not the slightest intention, on his part, to inflict any hardship or degradation upon them. Indeed it would appear, the hon. gentlemen had exercised some ingenuity in their opposition to the measure. It had been formerly contended that Dissenting parties would not be satisfied, so long as they were compelled to go before the clergyman of the Established Church: well, this was to be no longer necessary! But, surely, the fathers of families would require some security for the binding nature of the contract in which young females were to be engaged. Therefore, he said, to avoid any collusion between the person who might fancy himself inspired to act as a minister, and either of the parties—to avoid the many obvious calamities which might ensue, he said to the Dissenters—go before the magistrate, the only civil functionary he had at their service. Men might object to the constitution of the magistracy, and so forth, but was he to wait until the magistracy were reformed? Was he, until then, to delay the relief to the Dissenters which they so anxiously desired? He left, too, from a regard to the delicacy of the females, the privilege of going before any magistrate they might choose, lay or clerical. This he had done, instead of rendering it imperative upon them to appear at quarter sessions, or even appearing before more than a single magistrate. He might have erred, but it certainly was from no unkindly feeling towards the Dissenters. Next, as to what had been urged respecting the system of registration, he might have conceived that there might be some objection on the part of the clergymen. He could not conceive any upon that of the Dissenter. It was the most satisfactory mode of registration which now existed—he did not say that it might not be amended—he did not say that he should be averse to its amendment, but he was obliged to take it as it stood. Besides, it was that which was in use for the members of the Established Church. He did not ask the Dissenter to go before the clergyman, but only before the magistrate, who would transmit to the magistrate the certificate. Then, as to the amount of fees, he had to state, that in Mr. Smith's, and in Lord John Russell's bill, and in every other bill for the relief of the Dissenters, the rights of the clergyman had been respected. His object had been to bring in the bill in the most liberal spirit. He had desired less to make any thing like a speech in reply, than to set aside statements, which might have the effect of exciting prejudices which were perfectly unfounded.

Leave was given to bring in the bill.

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## POOR LAWS FOR IRELAND.

MARCH 19, 1835.

Mr. Smith O'Brien moved, "That it is the opinion of this House, that a provision should, without delay, be made by assessment upon property in Ireland, for the relief of the aged, infirm, and helpless poor in that kingdom."

SIR ROBERT PEELE said, that in consistency with the views entertained by the hon. gentleman who had just sat down, he ought to have abstained from entering into the details which he had suggested to the consideration of the House, because in the greater part of his speech he had spoken against the principle altogether of a system of poor-laws. The hon. gentleman said, that it would be better to leave the industrious poor to rely solely on their own exertions, inasmuch as that course afforded much greater security for their industry and good conduct, than would exist if poor-laws were provided: but the hon. gentleman himself declared that some qualification was necessary of that broad principle. The hon. gentleman admitted that, under certain circumstances, the principle he had laid down ought to be departed from, and that it would be wise to provide, at the public charge, temporary relief. Now, if it were necessary, in laying down a general principle, to make so wide a qualification as that, he begged to put it to the House whether it was expedient, under the present circumstances, to affirm a resolution of the nature of the one that had been moved? The question never would be brought before the House in the shape which the hon. gentleman to whom he had referred imagined, viz. — whether the poor-laws of England, with the whole mass of abuse that had accumulated round them, should be applied to Ireland. Every one would be prepared at once to negative such a proposition. But the real question was, could they apply the original principle of the Act of Elizabeth to Ireland, and could they accompany that principle with a practical provision to secure against its abuse? That was a question to be hereafter discussed; and he must express his hope, that the hon. member for Limerick (Mr. O'Brien) did not mean to force them to the negation of that proposition. Had not the hon. gentleman better withdraw his resolution, than oblige the House to take a course which might imply a negative of his proposition? He thought it impossible for the House to consent to affirm that proposition. The hon. gentleman asked the House, in the present state of the question, to affirm that it was expedient, without delay, to make, by an assessment on property in Ireland, a provision for the relief of the aged, the helpless, and infirm poor of Ireland. If he did not believe that the hon. gentleman would withdraw his motion, he should think himself called on to move as an amendment a resolution, that leave be given to the member for Limerick to bring in a bill on the subject. Such a motion was not usual; but he certainly should have moved an amendment to that effect, and asked the hon. gentleman to bring in a bill embodying his own conception of what the details ought to be. Because, if it were right that without delay they should make a provision for the poor, the hon. gentleman ought to be prepared to follow up his resolution with a practical measure, and let the House see the provisions by which he proposed to execute his resolution. The hon. gentleman said, that it should be by an assessment on property in Ireland. Did he mean real property, and personal property also? Did he mean a parochial assessment, and that the relief should be distributed by commissioners, or by parochial authority, or by some authority in districts which he would point out? These were matters of importance, with respect to which the House ought to have some intimation of the views of the mover, before the hon. gentleman asked them to affirm his resolution. He should be sorry to take a course that might appear to be either adverse to the principle or to giving a fair consideration to the subject. The hon. member for Cork (Mr. Feargus O'Connor) who he certainly thought had been watching with a sort of parental anxiety over the fate of this motion—an anxiety of which further evidence was afforded by the warmth of the speech he made—had represented that when the proposal was made by Lord Althorp to appoint the commission, he (Sir Robert Peel) recommended that the commission should be extended to every country in Europe. Such was not the fact. It was, however, at his instance that the commission was appointed for Ireland. He had observed, that there were debates on the subject day after day, and yet nothing conclusive was done; therefore, he suggested that it would be better to appoint a commission which should go to Ireland, and procure that local and practical information which he thought they stood in need of, and which he must say, he expected the House would have possessed before this time. He certainly should have thought that there were some main and leading principles established which might have been reported before now. But instead of attempting to force the government by such a resolution as was proposed, if the House were dissatisfied

with the delay in furnishing the report of the commissioners, he would suggest to them that the more logical course would be to move that the commissioners should report forthwith. He did not think that the best way of forcing the report was to force the House to affirm a proposition which that report might considerably qualify. Perhaps, the House would not object to leave it to the government to call on the commissioners to make a report of their progress; and, if it should turn out that the delay was occasioned by an enquiry into minute matters which did not bear particularly on any great principle, though they might be important in themselves—for example, he did not see that any great principle was involved in enquiries respecting infirmaries or other public charities—if this were the case, he did not think it necessary for the House to wait till the enquiry was complete. Should the enquiries of the commissioners as to the great branches of the subject be completed, there was no reason why they should not have a report on the leading principles laid on the Table of the House, which would allow of those principles being taken into consideration, and the consideration of the details might be postponed. The hon. and learned member for Tipperary said, that if they inserted the words “helpless poor,” he was not certain whether they would not affirm this proposition, that every child capable of earning its subsistence by labour should have a claim to support. Now, surely it was important to ascertain that. It was important to ascertain what construction was to be put on the words “helpless and infirm poor.” There was nothing so dangerous as to affirm a general proposition of that nature, without seeing the regulations by which it was to be carried into effect. The hon. gentleman said, he would not afford relief generally; he would give it only to those who were infirm; but how were they to draw the line between the infirmity of actual disease and the indisposition caused by scanty living in consequence of not having any employment. The hon. gentleman’s resolution appeared to imply a claim on the part of the whole poor—it would grow to that; it would lead to all the difficulties that had resulted from a departure from the original principle of the English poor-laws. At present, he could not judge of the practicability of the motion before the House. Until some specific mode should be placed before the House, which should honestly administer the proper kind of relief, he never would affirm the proposition now before them. If he did affirm such a proposition he might be establishing some measure which would absorb the whole of the landed property of the country; he might be constituting an agrarian law of the worst possible description; he might be sacrificing the industrious and moral habits of the people, unless a due regard were had to the wholesomeness of the measure proposed. The hon. member for Cork had mentioned a moral ground for supporting some such measure, namely, the necessity of teaching the Irish people to eat; but he would venture to say, that to allow them to provide food for themselves by their own industry, would be much better. He would then leave them to unassisted nature, as a better instructress. He hoped the hon. member (Mr. W. S. O’Brien) would not press his motion. A commission having been appointed for Ireland, he had every reason to believe that a report would shortly be made. Let them have facts sufficient before they affirmed the proposition. The present course was only calculated to prejudice the question, and for that reason the motion ought not to be pressed.

Mr. Smith O’Brien expressed his delight at the declaration of the right hon. baronet, and would be extremely glad if government would take up the question. He hoped a bill would be brought in at an early period, and fully discussed at the second reading.

The motion was withdrawn.

## TITHES (IRELAND).

MARCH 20, 1835.

On the motion of Sir Henry Hardinge, that portion of the King’s Speech relating to the Tithe Question in Ireland was read, after which the right hon. baronet moved, “That the House resolve itself into a Committee of the whole House, upon the subject of tithes in Ireland.”

The House having gone into Committee, Sir Henry Hardinge moved the following resolution:—"That composition for tithes in Ireland should be abolished in consideration of an annual rent charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owners of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of £75 for every £100 of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land, or otherwise, for the benefit of the persons entitled to such composition. And that the arrears of tithe due in the year 1834, shall be made up from the £307,000 remaining out of £1,000,000 advanced by parliament to the clergy of Ireland in the year 1833."

SIR ROBERT PEEL trusted he could make an arrangement, that would preclude any difference of opinion. He confessed that the course which the noble lord, the member for Devonshire (Lord John Russell) had suggested, was the correct one, viz., to withhold all opposition to the present resolution—the right being reserved of discussing the whole question hereafter. He thought the House might consent to pass this resolution—the discussion being reserved till the bill was brought forward, which would render it intelligible. The House would probably agree with him in thinking the bill a necessary preliminary to the discussion. It was impossible to understand this measure from abstract resolutions; the whole ought to be before them in a comprehensive form. He thought this course would not be objected to—it being admitted that no man would be pledged by the preliminary proceeding to assent to any part of the measure to be hereafter introduced. That was the view, and he considered it a natural and just view, which was taken by the right hon. baronet. In order to prove to the House, that by assenting to these resolutions, it would not in the slightest degree lend itself to the measure that was to follow, he need only refer to the resolution which was moved in the early part of last year. That resolution was the foundation of a bill, and many assented to the resolution who intended to object to the bill. In the division, the numbers were 219 to 42, the resolution being carried. It was considered by the House, not that agreeing to the resolution was a prejudging of the question, but that in assenting to the resolution the means were afforded of obtaining the bill. The resolution was as follows:—"That it is the opinion of this committee, that composition for tithes in Ireland should be abolished, in consideration of an annual rent-charge, to issue out of the lands heretofore subject to the payment of such composition, and to be payable to the owner of the first estate of inheritance, or other estate in the nature of a perpetual interest; that such rent-charge shall be in the proportion of £75 for every £100 of composition; that such rent-charge shall be redeemable, and that the redemption money shall be invested in land, or otherwise, for the benefit of the persons entitled to such composition." That resolution was affirmed without opposition. He had always most anxiously endeavoured to avoid calling on the House to pledge itself irrevocably to any measure, without having given it the fullest consideration—more particularly if the motion related to the disposal of the public money; and if the House should be of opinion, that in assenting to the proposition which had been made, it in the slightest degree fettered itself, he certainly would not ask it to do so. He did not apprehend, however, that by assenting to the resolutions the House would at all preclude itself from objecting to the measure.

Mr. Warburton said, that at any stage of the bill they might go into committee, for the purpose of making this grant of money, if it were considered expedient.

Sir Robert Peel said, there would be no difficulty, at all events. He must admit that he did not think it would be fair, without having given notice, to call on the House to affirm to-night that portion of the resolutions excepted to, if doing so would have the effect apprehended; but having made this remark, he should like to have the opportunity of considering the point with reference to the precedents that existed. Perhaps he might find, that a separate bill might be brought in after the resolution was agreed to. He begged to ask, however, whether it would not be for the convenience of the House, that the whole measure, in as perfect a form as possible, should be before it prior to entering on the discussion. He wished now to address a few words to the House on the present condition of Ireland. Though many gentlemen, who were in the last parliament, were conversant with the details;

yet he thought it was an error which they often fell into to assume, that the information of hon. gentlemen was perfect on the subject. But there were many who were now listening to this dry discussion for the first time, and probably they were not very well aware of the present state of the question. If ever there was a question that was difficult of adjustment in a manner consistent with equitable principles, it was this question. In a great part of the south of Ireland, there was a practical suspension of the collection of tithes. Attempts had been made, in some instances, to collect them, but those attempts met with resistance; and such were the patient endurance and forbearance of the clergy, that they rather submitted to see their families subjected to the utmost privations, than avail themselves of their legal rights, and enforce their legal demands. About three years since, the sum of £60,000 was advanced to the Protestant clergy in Ireland; and it was provided, that those who chose to avail themselves of an advance out of that sum of £60,000 should be entitled to it, and the government should have a claim to the recovery of the tithe. Subsequently an attempt was made on the part of the government to levy that tithe; indeed repeated efforts were made, both by legal process, and by employing the military, to recover it; but it was found that the expense of the recovery was almost as great—he believed it was even greater—than the sum actually recovered from the occupying tenants. The consequence was, that the noble lord, who was then Chancellor of the Exchequer issued a notice, stating that no further attempts to recover the tithe would be made. That might be a wise measure, or it might be unwise; but he begged the House to consider what was likely to be the effect produced on the occupying tenantry when the government, having the right and the power—having the whole force of the country at its disposal—intimated, that though the law had been violated, and was still set at defiance, no further attempts were to be made to vindicate it. The sum of one million was then granted for the purpose of providing for the arrears of tithes. The clergy were enabled to prefer their claim and receive a proportionate advance out of the million. Several did avail themselves of that grant, and received large sums, amounting on the whole to nearly £630,000. This amount was distributed amongst both the ecclesiastical and lay holders of tithes, and the provision made thereupon was this:—As they received advances of their tithes, they were to be liable to quinquennial repayments. The time had now arrived for the repayment of the instalment. In this state of affairs, what should the legislature do? The sum was had according to the letter of the law, but by the same law an equivalent at least was due from the occupying tenant to the clergy. Time pressed. If they required repayment, they must give the aid of a military force, if necessary, in aid of the civil power. [“No, no!”] What, then, would they give the civil power without the military? [“No, no!”] No—they would not give either the military or the civil power to enforce a legal claim, and how then could they be guilty of the gross injustice of saying to the clergy—“We, who were entitled to this sum of £60,000, and having attempted to recover it, failed in so doing—we, who know that you have not the power to recover what is due to you—we tell you that we will not give you the aid of a military force, nor even that of the civil power, but nevertheless demand of you, powerless and reduced to beggary as you are—we demand of you, without giving you any assistance in enforcing your legal claim, the repayment of the sum we have advanced.” Why was the whole evil of pursuing such a course limited to the injustice to the individuals? Was the executive government to stand by and see laws in the one case violated, and in the other strictly enforced, and this as regarded parties between whom no difference ought to be recognised? Was the government to stand by and see the laws trampled on, and then say it would not alter those laws? Was it to see the daily violation of them without even an attempt at improvement? They might postpone the resolution for a few days, but the question to which they must arrive was this—Would they relieve the clergy from the demand upon them, or enable them to recover an equivalent sum from the occupying tenant? Could they, with justice, impose the arrears as a rent-charge on the landlord? They could not charge on him not only an equivalent for the future payment of tithes, but for the arrears also. He doubted that they could pass any law that could, in justice, impose such a burden on the landed proprietor. Independent of the equity view, there would be such legal difficulties in the way of the application of the principle, that he doubted if they could enforce it. Then, would they remit the

sum in question altogether, as a peace-offering to Ireland, as a boon, not to the clergy, but entirely to the occupying tenantry? Would they remit that instalment altogether, or take one of these courses—impose the obligation on the landlord, or on the tenant? The hon. gentleman was probably about to suggest, that there was another fund out of which it might be paid—namely, that fund in the hands of the Ecclesiastical corporation, and generally called the perpetuity purchase fund. The revenues of the Ecclesiastical corporation were derived from two sources; the first the holders of Bishops' leases, and the other was derived from the revenues of suppressed bishoprics, and the taxation of existing bishoprics. Before the House came to a decision on the subject, it would be necessary that it should call for an exact amount of the proceeds in the hands of the ecclesiastical corporation from the two sources he had mentioned. He believed it would be found, that more fallacious estimates than those they had heard of as to the amount of this property had never been framed. At present, all he knew was this, that sums had been borrowed from the treasury, and that the fund was at present greatly in debt. The annual charges on that fund it was here necessary to explain. Two years since the land of Ireland was relieved from the Church-rates. The charges of providing for the support of the fabric of the Church, and for making a provision for the decent performance of divine worship, then were transferred to the fund of which he was speaking. At the present moment the income was as follows:—revenues of sees of bishoprics suppressed, £41,000; tax on future prelates, £3,266. But it was not necessary, perhaps, for him to go into the detail. The result would be, that with a present income amounting to about £40,000 per annum, there would be charges to the amount of £70,000. Surely the first charge on that fund ought to be the provision for the performance of divine worship. The first motion, then, which ought to be made, was for an exact account of that fund; and the House would then find how impossible it was to charge that fund with any repayment on account of advances made to the Irish Protestant clergy. The result to which he came was, that it was wise, and that it was just also, to remit on the part of the public the claim on the clergy or repayment of their advances. The next question which would arise would be what course they were to pursue with respect to the arrears of the last year. As the right hon. gentleman had said, if they remitted their claim for the past arrears, that settled the question; if they established a rent-charge on the land, that settled the question as to the future; but what were they to do with the arrears of the intermediate time—of the year 1834? If they adopted the course proposed by his right hon. friend, there would be an end to tithe composition altogether; that was to say, the occupying tenant would be relieved. To that course they must, in his opinion, come; they must, for the sake of peace, relieve him; and the question was, would they leave him subject to a demand for arrears?—would they vitiate the whole proceeding, and render it incomplete, by imposing on the government the necessity of relying for the arrears on the civil power, or on military aid? He believed the House would not do that; it would not impose on the government the painful alternative of seeing the law violated, or having it enforced by the military. If they took that alternative, some provision must be made for the arrears of 1834. Could any better course be pursued, having under the million act a surplus of £360,000, than that of applying the surplus exactly on the principle on which it was applied in 1831, 1832, and 1833—that of making advances out of it to the clergy, not for their benefit but for the benefit of the occupying tenant? If they took that course, it would be intelligible, and the consequence would be the exemption of the occupying tenant from every thing in the form of a direct payment to the Protestant clergy. He believed, that whatever differences existed between hon. gentlemen on other matters, there were principles with respect to which there was no difference. One was, that the existing interests of the clergy ought to be protected, or at least some mode of equitable adjustment adopted, so that they did not suffer by the very forbearance they had exhibited, which ought only to give them an additional claim on the liberality of the House—that was one principle; and the other was, that the land of Ireland was subject by law to payments on account of tithe. No matter what diversity of opinion existed as to its ultimate appropriation, no reason whatever had been urged against an equitable adjustment of the claims of the clergy and the leaving of the land of Ireland subject to tithe. Even those who contended in favour of the

powers of parliament to appropriate to secular purposes the property of the Church—even they claimed not for the landed proprietor the right of exemption from tithe. What his right hon. friend proposed was this, that whereas the whole land of Ireland was at present subject to tithe composition, by a law to be passed, the right to demand tithe should be at an end; and over the whole of Ireland, partly by arrangement, and partly by compulsion, composition should be established in lieu. He proposed further, that for every £100 of that tithe composition (excepting in cases of tenants at will, and in cases of leases fallen in since 1832) now payable by the occupying tenant, seventy-five per cent should be paid by the head landlord of Ireland, leaving him to recover from those who held under him. This was the proposition made by his right hon. friend. He proposed a compulsory composition on the part of the landed proprietor, on the principle that was recommended by the hon. and learned gentleman opposite (Mr. O'Connell), last year. The hon. and learned gentleman then gave it as his opinion, that they had no choice; that compulsory composition was their only alternative. This took place in the month of July; and it would probably be in the recollection of the House, that the ground on which he opposed the bill then introduced was, that at so advanced a period of the session, there was not a possibility of making the landed gentlemen of Ireland acquainted with its details. The hon. and learned gentleman seemed to doubt his statement. [Mr. O'Connell: The bill was not mine.] Although it might not be the hon. and learned gentleman's bill, yet it was a suggestion which fell from him when the subject was under debate. He recollected saying at that time, that if the Irish members present could undertake for the landlords to say, that it would be considered equitable by them, he should be greatly disposed to listen to it. It was impossible to make a settlement of this sort without meeting with a thousand difficulties. He knew it was a very difficult subject, but when he saw the manner in which it was treated in Ireland, particularly in the south of Ireland—when he recollected, that the population were Roman Catholics, he could not find any alternative. He hoped the hon. members from Ireland would agree to it, because without their consent he was quite sure there would be great difficulty in carrying the measure. A remission of twenty-five per cent, and relieving the tenantry from the obligation of paying tithes, ought in the present state of things to be favourably received; and he did hope, that the hon. Irish members of that House would lend their aid, not only as members of parliament, but as friends of the landlords, and as friends of Ireland, to this measure, which appeared to afford the only hope of a fair and equitable adjustment. Those, then, were the principles of his right hon. friend's proposal—to remit the sum due on account of past advances, to apply the balance of about £360,000 in part to meet the claims of the clergy, for it would only be in part—to put an end altogether to the demand of tithe composition, or any immediate demand on the part of the government or the clergy, on account of arrears of tithes—and for the future to impose an equivalent for tithes in the shape of a rent charge on the land, to be paid by the landed proprietor, and to be recovered by him in the shape of rent. That was the principle, and after the most mature consideration his opinion was, that no more preferable course could possibly be adopted. He admitted to the noble lord (Lord Howick) that no progress ought to be made with the measure until the question with respect to the appropriation of Church property was brought before the House. That he believed was to come on for discussion on Monday, the 30th; and, however pressing the necessity for some prompt step with respect to tithes, yet it could not be so pressing as to render it necessary to decide the question even upon the principle of the measure, until the other most important subject to which he had adverted had been brought forward, and he was quite confident that his right hon. friend would not press it before. He did also hope, that before the House involved itself in any precipitate resolution with respect to the appropriation of Church property in Ireland, it would ascertain whether or not there was any surplus after providing for the wants of the Protestant Church, and before it came to any speculative conclusion upon the subject; and that only an absolute necessity would prevent hon. members from coming to a conclusion favourable to the proposition now before them.

Mr. Charles Wood wished to know whether he understood the right hon. baronet rightly, that the second resolution would not be pressed, and that the



first only would be put *pro formâ*, in order to enable the government to bring in the bill?

Sir Robert Peel said, he did not mean to call on the House without notice to affirm to-night the resolution, to the effect that the sum of £630,000 should be remitted, and the £340,000 remaining of the £1,000,000 should go to make up the arrears due to the clergy last year. Certainly he did not mean to abandon it, considering it, in fact, essential to the success of the whole measure, and therefore, although he should not press it now, he should take some other opportunity of calling on the House to affirm that proposition.

Mr. Hume could not conceive how men of honour could contend, in one year, for principles the most plain and intelligible, and in the next, without any change of circumstances, maintain the direct contrary. As, according to the forms of parliament, he could not move an adjournment, he begged leave to move that the chairman do report progress, and ask leave to sit again.

Sir Robert Peel said, he should certainly take the sense of the House upon the first of the resolutions for the purpose of obtaining in that form permission to bring in the bill which his right hon. and gallant friend sought to introduce. By the affirmation of that resolution, the House would have an opportunity afforded it of comparing the measure of the last year and of the present, and of judging between them. By voting for that resolution, no hon. member would be in the least degree committed to the principle of the bill; and as to the second point to which attention had been so emphatically called, it was only necessary for him to observe, that if any gentleman complained of being taken by surprise, he (the Chancellor of the Exchequer) should feel no shame in giving way, in order to accommodate himself in that respect to the feelings of members, and to remove the slightest shadow of ground for disapprobation. Before he sat down, it was necessary that he should ask one question of the hon. member for Middlesex. "Does the hon. member (said the Chancellor of the Exchequer) mean to say, that my conduct in reference to this question was not that of a man of honour?"

Mr. Hume: I said, had I been in the situation of the right hon. baronet, I should not have acted as he has done. According to my idea of a man of honour, he should not take up and support a measure of which, in similar circumstances, he had been the strenuous opponent.

Sir Robert Peel: Does the hon. member mean to say that I have acted in a manner inconsistent with the character of a man of honour? He knows the nature of the question—he knows the course I took on the former occasion—that which I have pursued on the present, is of course before him. Does he mean to say, that I have acted in a manner inconsistent with the character of a man of honour? Does he mean to apply the language he has used to me?

Mr. Hume: I have no hesitation in saying that as a political man, I should not have adopted the same conduct as that of the right hon. baronet.

Sir Robert Peel: I do not want a hypothetical answer, I put a plain question to the hon. member for Middlesex.

Mr. Cutlar Fergusson rose to order. He was sure that no reflection was intended to be cast upon the character of the right hon. baronet.

In reply to Mr. Ward—

Sir Robert Peel replied: I have already distinctly stated that I cannot expect that any hon. gentleman should, by permitting the resolutions to pass, be deprived of the power of amending in any part, or altering altogether, the bill which my right hon. and gallant friend will introduce to the notice of the House. The resolutions merely embody the views of his Majesty's government with respect to the measure which it is our intention to submit to the consideration of parliament. I would beg to remind the House, that a resolution of an exactly similar nature to that now proposed was submitted to the House at the commencement of the last session, upon the division on which occasion the hon. gentleman opposite (Mr. Littleton) was teller. Surely, then, it is equally unfair to debar us from submitting these resolutions as the groundwork of the measure which it is our intention to bring forward, as it would be to deprive any hon. member of the power of considering and determining upon the bill when introduced, simply because he now assented to the passing of those resolutions.

Later in the evening, Sir R. Peel said, that if he felt that the course which he had proposed to pursue was inconsistent with the practice of the House, or with common sense, not all the taunts with which he had been met on former occasions, would prevent him from altering it; but, feeling, as he did, that the course which he had adopted was consistent with justice and with the usage of parliament, he cared not for the consequences, and would persevere in that course. All he would ask was, the indulgence of the House in that stage of the debate, while he stated the grounds on which he determined to pursue that course. He had always understood, that, in matters relating to religion, it was necessary that any measure should be first introduced in a committee of the whole House, and not in the shape of a bill. In the Journals, amongst the rules by which the House was bound, he found this:—"That no bill relating to religion, or to the altering of any matter relating to religion, shall be introduced into the House until it shall, in the first instance, have been introduced in the shape of a resolution to a committee of the whole House." Now, his right hon. friend (Sir H. Hardinge) had acted in strict conformity with that rule, and well he knew that if they (the government) had deviated from that rule—if they had avoided the details of their plan, and come forward in the more short way of a bill, well did he know that they would have been told of their deviation from the usual practice of the House, and told by none more loudly than by the right hon. gentleman (Mr. S. Rice) opposite. They would have been asked, "Why don't you go, in the first instance, to a committee of the whole House? Why don't you adhere to the usual form of giving the details of your intended measure in a committee of the whole House, and of embodying your principle in a resolution on which you may afterwards found your bill?" And if (continued the right hon. baronet) we should say we were afraid of introducing a resolution, the adoption of which might seem to pledge the House to some subsequent measure, the right hon. gentleman (Mr. S. Rice) would at once hold up this volume (one of the Journals) and say, "See how different the case was under the administration of Lord Grey. The government, then, did not content themselves with introducing a bill for an important measure in the first instance. They went to a committee of the whole House, and having detailed the nature of the measure which was ultimately intended to be brought before the House, they moved a resolution on which to found that bill, and that resolution was to this effect:—'Resolved, that it is the opinion of this House, that composition for tithes in Ireland be abolished on or after the 1st day of November, in the present year, in consideration of an annual land-tax to be granted to his Majesty, payable by the persons who would have been liable to such composition for tithes, and of equal amount. That such land-tax shall be redeemable, and that out of the produce provision be made, in land or money, for the indemnification of the persons entitled to such composition.'" The right hon. gentleman would have gone on, and told us how such a proposition was received in the House—that it was carried by an overwhelming majority, and that Mr. Spring Rice was one of the tellers for the "ayes" in that majority. But what said the right hon. gentleman opposite (Mr. P. Thomson) as to a resolution of this kind? "Why," said he, "with my opinions of the Church in Ireland, with my convictions as to the appropriation of Church property, I cannot consent to such a preliminary resolution as you have proposed, because I cannot consent to have my hands tied up." Might he (Sir R. Peel) ask the right hon. gentleman when his views as to the Church were taken up? Surely it could not have been since the last session. His opinion must have been of some years' standing, when he must have anticipated that the time would come when appropriation would be considered in some shape. It must have been some time before last year. How, then, did the right hon. gentleman assent to the resolution brought by his friends in the last session? But if the right hon. gentleman did not then think that things would be so altered, and could, with a safe conscience, have given assent to such a proposition as he had read, to deal with the Church property, how did it happen that any conscientious scruple prevented him from giving a vote much more limited in its extent on the present occasion? If he felt no scruples on that occasion, why should he feel any on the present? "Oh, but," said the right hon. gentleman, "you had a money vote on this occasion, but you withdrew it." Well, his answer was, "You had no money vote last year, and, according to your own showing, no neces-

sity for a committee of the whole House, and yet you voted and adopted the proposed resolution. The objection applies with equal force to the committee of last year and to that of the present." It had been suggested from a quarter for which he had the highest respect, that one part of the resolution which spoke of the investment of the rent-charge, or the produce of the rent-charge in land, or otherwise, might have well been omitted. He was sorry that his sense of duty did not admit of his adopting that suggestion; but the use of those words was meant only to detail to the House what were the views and intentions of government. If they (the government) had withdrawn that part, that the produce of the rent-charge was to be so invested, then they would have been open to the charge of having acted unfairly. He could have withdrawn it only as implying a pledge on that point; but would not the implication be fair that those parts which remained of the resolution were meant to be binding? Supposing the part objected to were withdrawn, they would have still left those words, "that composition of tithe be abolished, and that a rent-charge be substituted;" well, then, the committee, by affirming those words, would affirm—first, that the composition of tithes should be abolished—next, that in lieu of it there should be a rent-charge—next, that this rent-charge should be paid by the landowner—then, that it should be paid at the rate of £75 for every £100 of composition—and next, that it should be redeemable. Now, did any man believe, that he was bound to all these propositions by his assent to the resolutions of his right hon. and gallant friend? The House, however, by adopting these resolutions, would not want the future opportunity of altering the scale of redemption from seventy to eighty per cent, or to any immediate scale which, in its judgment, the House might think fit to adopt. These words had been inserted in order that the whole proposition of his Majesty's government might be fully before the House; if any of these terms had been omitted, it might have been said, that the resolutions were contrary to the manifest intentions of the House in respect to the remainder, and therefore would imply some pledge on the part of the House. On the whole, he must adhere to the resolutions, as they now stood indicative of the intentions and views of his Majesty's government. So far from binding the House to the measure to be introduced, he must state this fact; that a bill, referring to this same subject of tithes in Ireland, was introduced by the right hon. gentleman, the member for Staffordshire (Mr. Littleton)—a bill subsequently altered by himself—a bill which differed from that submitted to the House by the noble lord, the member for North Lancashire—a bill which had been subsequently altered by the hon. and learned member for Dublin—altered from the principle of the resolutions on which they were founded; and yet, so little did the then House of Commons feel itself bound by its acquiescence in those resolutions, that the very same House, which agreed to them in their original form, completely altered their tenor and effect, and assented, by a majority, to the change. Now, he would ask, with these facts before the House, whether or not, if he pursued a different course on the present occasion, he should stand in a very different position from that which he now held, supported as he was by precedents—precedents, as he would show, of no slight authority. If he had no other appeal to make, he would appeal to the authority evinced by the fact, that, as soon as his right hon. friend had sat down, the noble lord opposite, who acted as the leader of the party opposed to his Majesty's government, expressed an opinion entirely in concurrence with the view of the subject held by his (Sir R. Peel's) right hon. friend, the Secretary for Ireland; and so far was he from feeling himself bound by the resolutions now proposed, so little did he consider the obligation that they were binding, that the noble lord, the leader of the party to which he had alluded, did not hesitate to say, that he would not for a moment present the smallest obstacle to the introduction of the bill which was intended as the result of the present resolutions. Moreover, his right hon. friend, the late Secretary for Ireland, so entirely concurred in the terms of the resolution as to declare, that he should vote for the resolutions, under the protest that he was not to be bound by them. In this protestation he believed that many other hon. members would concur with the noble lord and the right hon. gentleman, and would feel that they were not bound by the resolutions, but would give their assent to them, combining, as they did, all the good sense, the precedents, and the practice, of former governments. With these authorities in his favour, he felt he should take a course inconsistent with the practice and precedents

to which he had alluded, inconsistent with his duty as a member of the House and as a minister of the Crown, if he consented to any modification of the proposed resolutions.

Mr. Spring Rice entreated his hon. friend (Mr. Hume) to withdraw his amendment, and allow him to substitute an amendment containing these words:—"That it is expedient to alter and amend the laws respecting tithes in Ireland."

Mr. Hume said, he had no objection to withdraw his amendment, especially after what had occurred, and he therefore bowed to the suggestion of the right hon. member for Cambridge.

The committee divided on Mr. Rice's amendment:—Ayes, 198; Noes, 213; majority, 15.

MARCH 23, 1835.

Lord John Russell begged to put a question to the right hon. baronet, as to the course he meant to follow in bringing up the report on the resolution which had been agreed to the other night, on the subject of tithes in Ireland. He hoped that the right hon. baronet would not object, for the convenience of all parties, to its being brought forward as a substantive motion.

SIR ROBERT PEEL was very sorry to observe that the practice was increasing every week, to take the supply days for motions. The time of the House was absorbed with discussions, leaving no day for the transaction of the public business. Still he was very much indisposed to take any course which might be against the general feeling of the House. As far as the day was concerned on which the motion was to be brought forward, the noble lord having given notice of it very early in the session, and as he might insist on his right, an extreme right, which on public considerations might be productive of inconvenience, and especially as, in consequence of the order for the call of the House, many hon. members must have made their arrangements to meet it, he (Sir R. Peel) would oppose no obstacle to the noble lord in bringing forward his motion on Monday. With respect, however, to the mode of bringing it on, he should certainly reserve to himself any advantage which he possessed. But if there was an understanding on the part of the House, that the bill founded on the resolution should not be read a second time till the question of appropriation was disposed of, could there be any objection, not being committed by the resolution, to permit the bill now to be introduced? The bill was of the utmost importance. Under present circumstances it was the law of the land that the clergy should repay the instalments of the £1,000,000, and it was the duty of government to enforce the demand in conformity with the law. But the clergy replied, "Although you have a claim on me, I have a claim on another party—the occupying tenant—founded in law; enable me to enforce my claims and recover my rights, and then I will repay you." Now, it was a very inconvenient thing for government to take upon itself a discretionary power, and discharge those payments which they were called on by the law to enforce. He, therefore, hoped the House would not interpose any obstacle in the way of the introduction of the bill; the most convenient course would be to permit the resolution to be brought up now, and the bill, so far as it could be founded on it, to be introduced, on the understanding that they should not proceed to the second reading, when discussions on its principle might take place, till after Monday next.

Lord John Russell had no objection to that course. Many gentlemen, however, could not consent to the report without expressing their opinions with regard to it.

The report was brought up and read.

In reply to Mr. Gisborne,

Sir Robert Peel said, that if the House affirmed the resolutions his right hon. friend the Secretary for Ireland would be enabled to bring in the bill, with the clauses respecting the non-payment of the instalments due at present by the clergy to the treasury, and remission of that amount, together with the apportionment of the residue of the million, £370,000. If the resolutions were not passed, the bill would have no groundwork. The instalments were now due from the clergy, and the treasury would be obliged to enforce the payment if there was any suspension of the resolutions. He, therefore, thought the best course the House could take was to allow the resolution to pass. By the standing orders, no money

could be granted out of committee, and to grant it in committee there was due and proper notice required. All the forms in the present instance had been complied with, and, therefore, he should suggest to the House to permit the resolution to pass. On Wednesday or Thursday the bill could be introduced in its complete shape, and printed for the use of hon. members.

Mr. Gisborne suggested that it would be better for the right hon. baronet to move for leave to bring in a bill, and withdraw his resolution, giving notice of a resolution relating to the money clauses.

Sir Robert Peel said, that if the objection adverted to by the last speaker were taken, he should not persevere in offering to it any opposition. He had only further to observe, that one of the reasons which determined him to proceed by resolution was, that he had not given notice of his intention to introduce a bill, and he thought the resolution would best serve the purposes of a notice. Besides that, there was nothing in the resolution which did not admit of being reconsidered, and there would be time enough for that purpose between that and the 30th of March. He was anxious, he confessed, to have the bill introduced, and in the hands of members, for it could not but be satisfactory to them, as it would be to him, that they should be made fully aware of its provisions. It was, he assured the House, by no means a matter of choice that led ministers to adopt that additional stage in the proceedings. There could be no natural love on the part of government to additional stages, but he was sure the House would agree with him, that looking to past precedents, and especially to that established in the case of the measure introduced by Lord Althorp—he meant the Irish Church Temporalities bill—it would have been impossible for him to have done otherwise than propose a resolution in a committee of the whole House. Lord Althorp's bill, as every hon. member must recollect, had its origin in a resolution of a committee of the whole House. Influenced, then, by such considerations, he felt that he could not depart from the course which he had originally prescribed to himself—a course perfectly in accordance with the usages of parliament, and as he conceived with the obvious convenience of the House, as well as of individual members.

In the discussion which followed, very strong and personal remarks were exchanged between Sir Henry Hardinge and Mr. Barron. The speaker having demanded and obtained the necessary apologies,—

Sir Robert Peel: After the course which this debate has taken, notwithstanding, at a previous period of the evening, questions were put to me to which I gave answers, not expecting that any discussion would ensue, but taking it for granted that we should come to an early decision on the subject, and that the public and political conduct of government would not be called in question, the House will probably not insist on the rigid rule of order, and preclude me, because I then spoke, from making a few observations on what has fallen from the hon. and gallant member for Westminster. I understood the hon. and gallant member in the latter part of his speech to declare, that while he asserted his right to condemn in as strong terms as he pleased the public conduct of ministers, he by no means intended to indulge in any personal or offensive allusions to them. Now, sir, although I think that if, in the heat of debate, expressions should be used reflecting on the honour of any individual member, it is highly proper, for the satisfaction of the persons using such expressions, as well as for the satisfaction of the persons towards whom they are used, and for the satisfaction of the House, that an opportunity should be given for disclaiming all intention of offence. I, at the same time, fully admit the right of any member of this House to question, to the fullest extent, the conduct of members of his Majesty's government as public men. I now speak, then, with reference to the construction which I believe the hon. and gallant member put upon his own words. I am sure that he would not—his character is too well established—go as close to the wind as possible for the purpose of indirectly conveying a personal imputation. I therefore do the hon. and gallant officer the justice of believing that, strong as his expressions were, they were directed against the public, and not against the personal character of those whom he assailed. Having stated this, I come to the point. It is certainly of great importance to a public man to have an opportunity of vindicating with calmness the course which his sense of public duty has prescribed to him. I do confidently assert, then, that I do not think that the charges which

the hon. and gallant officer has brought against me as a public man, have the slightest shadow of foundation. Whether or not I undertook to discharge the duties of the office which I have the honour to hold from motives of ambition, from the love of power, or for the sake of anything that power can give, is a question which I will leave entirely untouched—it is a question which the House will decide as it may think fit. But I come to that much more important question, whether if, in the course which I have taken while I have been engaged in the discharge of those duties, I have done anything that should justly subject me to the charges which the hon. and gallant officer has advanced against me? But, first, I will advert to some of the observations which were made by the hon. member for Waterford. That hon. member referred to certain expressions which he said, I used last year, indicating my opinion of the danger and inexpediency of applying to the public purse to solve difficulties in the administration of government. Sir, I did use those expressions. For I felt, when it was first proposed to advance a million to the Protestant clergy of Ireland, that there was no probability that the money would ever be returned. The hon. member for Waterford says, that I advised the advance of that million. That was not the case. I advised the enforcing of the law. The enforcing of the law has been tried; and it has been found impracticable to collect the tithes. Under such circumstances, does the hon. member for Waterford think it inconsistent with our public duty to advise the giving up of the million, rather than the adoption of a course which would involve the certainty of many scenes such as that which recently occurred. I did not advise the advance, because I thought it would never be repaid. The advance was made; and now, when I find that it cannot be repaid, what shadow of inconsistency is there in my advising that the demand for the repayment should be remitted? I now come to the hon. and gallant member for Westminster. He says, our days are numbered. He says, that we have given so little satisfaction to the country, that we have shown so little a modicum of reform, that public opinion must declare against us. Now, how does the hon. and gallant officer reconcile this with his other charge, that we have adopted all the principles of our predecessors?

Colonel Evans said, that he had never charged this government with adopting every principle of the preceding government; quite the reverse. He had never thought that the Dissenters' Bill, even when brought in by the late government, was a measure of reform for which they could claim any great merit.

Sir Robert Peel: The charge, then, of the hon. and gallant member against me, amounts to this:—"The right hon. baronet always opposed the great measures of his predecessors, and he does so still." It is a strange way of charging me with inconsistency, to say, that I am pursuing the same course in office that I did when in opposition. "You oppose the liberal measures of your predecessors, you have brought in my modicum of reform," says the hon. and gallant member, "and the country therefore rejects you; your measures and politics are not sufficiently liberal for the spirit of the age, and your hours are numbered." This may be a perfectly good accusation; but how is it consistent with that other, earnestly insisted upon, that, for the sake of place, I have adopted the principles of my predecessors; that I have submitted extensive reforms to the House, for the purpose of retaining the emoluments or distinctions of office? So much for the general principles of the government. Now with respect to this particular measure, regarding tithes in Ireland. I have heard charges made against me with respect to the course I have pursued on the question of commutation of tithes in Ireland, which can only be founded in utter ignorance—for I should rather attribute them to ignorance than intentional misrepresentation—of what my conduct really has been on that question. How stand the facts? A bill was brought into this House at an early period of last session, by the late government, providing for the arrangement of the Tithe question. That bill imposed, in the first instance, a land-tax, which was to endure for five years, at the end of which period it was to be laid upon the landlord as a rent-charge: that rent-charge was redeemable, and the redemption money was to be invested in land. The amount, the payment of which by that bill was imposed upon the landlord, was, I believe, 77½ per cent. of the tithe. That bill I supported. The right hon. gentleman, the late Secretary for Ireland, will acknowledge that he had support in the passing of that

bill. I come into power; I bring in a bill in my turn for the settlement of the Irish Tithe question; and what are its principles? It imposes the payment of 75 per cent. upon the landlord immediately; it provides for the redemption of the rent-charge so imposed; for the investment of the money thus realized in land; and that tithe-property shall be strictly reserved for ecclesiastical purposes. Now, I ask, whether it be possible, in the vicissitudes to which human affairs are subject, to suppose a case of less inconsistency, than my supporting the first measure I have described, and originating the second? The hon. gentleman may object to me if he pleases, that I do not consent to devote ecclesiastical property to secular purposes; that I place a rent-charge upon landlords, and other things; but if he looks to the bill brought in by the late government, to the principle of which I did not object, I defy him to show that there is any inconsistency in my submitting the present measure to parliament. But throughout the whole of this discussion, the original bill brought in by the late government has been confounded with the measure which subsequently received the assent of this House. It may be said that I opposed the latter; some hon. gentlemen may suppose that I was a party to some organized plan in the House of Lords to throw it out. Sir, the House of Lords determined on their own course, and I was no party to any combination in that House. I saw the bill modified by the hon. and learned member for Dublin; I saw the government oppose his modifications; but he was successful in making them, and the government afterwards permitted it to pass. What was the language I then held? I place full confidence in the declarations made of absence of intention to give me personal offence, but the charges against my political character are serious, and it is politically that I propose to select them. On the 30th of July, the day referred to by the hon. member for Waterford, I said that "I felt great objection to ever attempting to decide upon such an important question at that extremely late period of the session. It cannot be denied that the good-will of the landlords is most essential; and unless the legislature have their good-will, it will be impossible to make the alteration a benefit. For the change to be efficacious, too, the provision must be compulsory; and then comes the question, how can we, with justice or with propriety, impose such a responsibility on the landlord, without giving him any notice of our intentions? I do not believe that there are at present a sufficient number of Irish landlords in the metropolis to form a fair representation of the general feeling of that body. I throw out these remarks merely as suggestions; but if the proposition be resolved upon, something must, in justice to the landlords, be done by government with reference to the arrears. There has now been two years of intermission in the collection of tithes in Ireland; and, however the question may now be shrunk from, the time must come when the law must be vindicated." A little lower down comes the sentence referred to by the hon. member. I then said, "I decidedly think that it is for the benefit of all parties concerned, that the landlord should take upon himself the payment of tithe, to the release of the occupying tenant; but I would also take good care to encourage, as much as possible, the principle of redemption. That appears to me the just, and best, or only way, of really settling the question. I do not think, however, after the session we have had, we can hope to consider with any good effect, a bill for such an object in the month of August. At present, the vindication of the law ought to be the first object; and when we have taught persons who have refused a legal payment, that the law is paramount, then we may well call upon the landlord to take the post which would at once be beneficial to the community and himself. At the same time, I must say, that I despair of the question being settled satisfactorily, by any scheme in which redemption is not included; and still more do I despair of being able to come to any settlement of the question, while the great majority of Irish landlords are out of town." These were the expressions I made use of, not objecting to the original bill, but to the principle of the bill, as modified by the hon. and learned member for Dublin. Now, I appeal to the hon. and gallant gentleman to say, whether, in submitting to parliament a measure I like, that forms a valid ground for charging me with inconsistency. So much for the question of tithe. With respect to the other measures—but really, Sir, I do not think I ought now to trouble the House with any detail respecting other measures. I shall reserve what I have to say in my defence respecting them, when they come before us. I will only at present observe, with respect to the Dissenters' Marriage bill, that I did not ob-

ject to the principle of the bill brought forward by the noble lord, the member for Devon. Its principle I therefore adopted; but was it not my duty, as a minister of the crown, to attempt to make the bill as satisfactory in its details as I could, consulting the feelings of the Dissenters, as far as was consistent with the interests of the Church. I ask hon. gentlemen not to deal in vague general charges, but to tell me what is the particular measure which I, as a member of the government, have introduced, or have given notice of my intention to bring in, that is inconsistent with the course I have pursued since the meeting of the Reformed Parliament. But, Sir, I do not think myself—being the responsible minister of the crown—bound to look out for every speech I have made, in order to accommodate my course to those speeches, and relieve myself from the charge of inconsistency. Having undertaken the task, I feel it to be a public duty to look to the circumstances of the country, and abandon all minor personal considerations, in considering the measures necessary to meet those circumstances. But rather than listen to vague charges of inconsistency, and dereliction of principle, I should like to hear some specific measure stated, which justifies the charges brought against me. I am conscious that in the task I have undertaken, I am not acting with the view of gratifying personal ambition, or from any desire for the advantages or emoluments of office. I did not seek the office I hold, by any factious attempts to thwart the late government. I did not enter into an alliance with those who entertained the extreme opinion of the side of the House on which I sat. I am stating merely a fact with respect to myself, and mean no insidious reflection on any man; for I can appeal to those who are now my political opponents, for the truth of what I say, that I did not attempt to gain power, or thwart their proceedings by factious combinations with men whose opinions went beyond mine. Opportunities for so doing did present themselves; but I never took advantage of them. Looking to the circumstances which accompanied my taking office, I was determined, feeling it my duty to accept it, and having accepted it, to make every constitutional effort for maintaining myself in it, and I shall continue to do so, in spite of the charges of inconsistency which may be brought against me. Sir, I rely upon the purity of my own motives. I shall attempt to shape my course upon principles which will be likely to give most satisfaction to the country; but I never will consent to hold office one hour beyond the period when I think I can hold it consistently with the interests of the crown, and with the honour of a public man.

The resolution was read a second time, and agreed to.

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### COMMUTATION OF TITHES, (ENGLAND).

MARCH 24, 1835.

On the motion of the Chancellor of the Exchequer, that part of his Majesty's Speech, recommending the commutation of tithes in England and Wales, was read, and on his motion the House resolved itself into a Committee to take it into consideration.

SIR ROBERT PEELE then proceeded to state that he was about to call the attention of the committee to a matter of not mere party consideration, but involving considerations of much general importance, attended by great complexity of details, and affecting to a considerable extent the interests of the community at large. He was about to submit to the consideration of the committee, a measure for facilitating the settlement of the tithe question in this part of his Majesty's dominions, an object, the attainment of which was equally desired by both sides of the House. If he were not to approach this question with great diffidence—as to the merits of the plan which he had to propose, and great anxiety as to its results, it would argue the greatest indifference on his part to the opinion of the House and the public, or the greatest confidence in his own powers—a confidence quite unwarranted—when the magnitude, the delicacy, and the complication of the subject were considered. It had been felt, for years, that the settlement of this question was a subject of the highest importance to the country. He was not, however, going to enter into a long detail of the history of this question, or to weary the House by a pedantic



display of learning; for, looking at the litigation caused by tithes—looking at the variety of interests the subject embraced—considering the effect the levying of tithe had on cultivation, and the manner in which it operated to the discouragement of agriculture—he should take it for granted that there was nearly an unanimous feeling in the House, that a change should be made in the mode of levying tithe. At different periods, there had been different plans proposed for the accomplishment of this object; and although it was not his intention to enter into any minute dissection of the various schemes which had been submitted to the House, still it was necessary that he should take a short review of some of the latter measures proposed for this purpose. If he found that the principle or provisions of any one of those measures were preferable to those embodied in his own plan, he should not hesitate to adopt them, and to engraft them at once on the bill he intended to bring in, since it was impossible to prepare a plan for such an object without great distrust in his own powers, and great anxiety as to the probable results of the measure. In some of the former plans which were submitted to parliament, with a view to the settlement of this great question, it had been proposed that the tithes should first be valued, and that, after a valuation had been taken, a commutation for the payment of the tithe should be made in land, or by a payment in the nature of a corn-rent. Without going into the details of those plans, he apprehended that a measure based on those principles would not at present give satisfaction. If, again, he were to bring forward a measure which would recognise any principle that excluded all consideration of the forbearance of the clergyman in levying the tithe—a measure which should be founded on the abstract value of the tithe taken, solely with reference to the crop—he apprehended that the great body of the tithe-payers would protest against that mode of settling the question, and would entreat to be left in the situation in which they had been found. He believed it was generally acknowledged that in any agreement made for the composition of tithe practically, the clergyman of the Church of England exhibited much greater forbearance than the lay impropiator. He said, then, that on account of the opposition which would be offered to this principle by the payer of tithes, the insertion of such a provision would at once obstruct the success of the measure. He would next advert to the propositions on this subject submitted to the House, in the years 1833 and 1834, by a noble lord, then a member of the House, the late Chancellor of the Exchequer, who had paid great attention to the subject—was perfectly acquainted with its details, and was deeply interested in its successful and final settlement. He had deemed it his duty to attend carefully to the provisions embodied in those plans, and if, on a comparison with his own, he considered the principles they contained better adapted to the accomplishment of the object proposed, he should have felt no hesitation in adopting them; and if Lord Althorp were now a member of this House, he should hope for his concurrence and assistance in perfecting the measure he was about to introduce. That noble lord, in the year 1833, attempted to settle the question by proposing a voluntary arrangement for the payment of tithe between the parties interested. It was intended by that measure, to give them the liberty to enter into a voluntary and amicable arrangement, which was to last for a year; but after that year had elapsed, it gave either party the power to appoint a valuator for himself, and to call on the other party to appoint one on his own behalf, and then it provided that the tithes should be valued on the basis which these valuers, so appointed, might propose. The noble lord, however, felt the difficulty that would result from this arrangement; and it was subsequently proposed, that the average payment for tithes, of the last seven years, should form the basis of composition. The bill was so far compulsory in its enactments, that it made it necessary that the actual payment of tithes, taken on the average for the last seven years, should form the unvarying basis of the measure. But the objection raised against this plan was, that there were very different degrees of forbearance or discretion—call it what they pleased—exhibited in levying tithe. In some parts of the country, and under certain circumstances, great severity had been exercised in collecting it, while in other places, and from the operation of local circumstances, or from the lenity of particular clergymen, great indulgence had been shown to the tithe-payer. There was, consequently, a very great difference between the rates of tithe paid by the tithe-payers of different places in different parts of the country. The details of this bill came under the notice of the agricultural

committee, and they appeared to that committee altogether most objectionable; and the noble lord, at a subsequent period of the session, declared that in consequence of the objections made, not on the part of the tithe-owners, but of the tithe-payers, he would withdraw the compulsory part of the measure; and, afterwards abandoning the rest of the bill, the law remained unaltered. In 1834, the noble lord proposed another bill for the settlement of the same question. He openly avowed, that so little did he feel any party-considerations to be involved in this measure, so little was he prejudiced in favour of the plan which he had devised, that though he thought his measure better than that of the noble lord, if any hon. member, on reflection, considered the noble lord's plan preferable, he should be foremost to express a hope that that member would give notice of his intention to bring that measure forward again, in order that the two bills might be compared together, and that the House might be enabled to adopt that which was, on the whole, best fitted to accomplish the professed object of both. The bill of 1834, brought forward by the noble lord, was drawn with great care and attention; and the object which it contemplated was the commutation of tithe for a money payment. The bill was rather complicated in its provisions; but though the details were numerous, and the subject exceedingly dry, he must entreat the attention of the House, while he attempted to explain in what respect the principles of that measure differed from the one he meant to propose. That bill included three objects—first, the substitution of a money payment in lieu of tithe, which money payment was to bear a fixed proportion to the rent payable on the land. The bill then gave a power of redemption to the owner of the land, after the money payment was determined upon, on paying a certain number of years' (he thought twenty-five) purchase. In case that redemption did not take place, there was then a power to convert the money payment into a rent-charge, which was to be permanently settled on the land. The mode in which that was to be effected was this:—The Secretary of State had a power to appoint valuers, in districts which he had a power to constitute. He was to authorize the division of the county into certain districts, and in each of those districts to appoint a valuer of tithes and a valuer of land. That valuer, so appointed, was to fix a value upon the land in each parish within the district to which he was appointed. He was to divide the whole of the land into two classes; first into arable land, and then into that which was not arable, and which, though not pasture, he should, for the sake of being understood, call pasture land. The arable land was to be that which had been under tillage for the five preceding years. The valuer was then to ascertain the amount of the tithes which had been paid on each description of titheable land in each parish. He was not to value, but to ascertain the actual amount of tithes which had been levied during the five preceding years, and to determine what amount of tithes, so ascertained, properly attached to the land which was arable, and that which was not. These awards from each parish of the district (the values and amounts to which he had adverted having been ascertained), were to be transmitted to the quarter-sessions. Then a mean was to be selected between the amount of tithes payable for each quality of land, and an average struck of what the rate of substituted tithe was subsequently to be. This tithe-rate was to be applicable to the whole of each sort of land in the district. Supposing the mean for arable land, upon ascertaining the amount in each parish of the district, and the mean for pasture, to be 5s. and 2s. 6d. in the pound, then the proportion of rate in proportion to the amount of rent, was to attach for a certain period. From the amount of tithe, however, which had been actually paid, the amount of rates and charges was to be deducted in each case, and the actual amount of tithes, after such deduction, was to be the basis of collection of tithe payments. It appeared to him, after the most mature consideration, that there would be great obstacles in satisfactorily executing such a measure. In the first place, there was that degree of complication attending it which would make it very difficult to work it satisfactorily. In the first place, there was to be a valuation of the annual profit of the land in each parish of every particular district. Now, unless in making that valuation great care were taken, there would be very uncertain results; because he apprehended that the value of a farm or land could not be ascertained with reference merely to the quality of the land, or its productiveness; the considerations that influenced a tenant in holding the land were of some importance,—an inquiry into the state of the buildings on the land, and into many other minute par-

tienlars would be necessary; and this sort of information being to be collected with respect to every acre of titheable land throughout the country, it would be almost impossible to come at perfect accuracy. The consequence could hardly fail to be, that ground would exist for innumerable remonstrances and complaints. The second difficulty which he apprehended was this:—The tithe was not to be valued by the valuer; the valuer was to determine what was the amount of the tithe for the five preceding years, and to apportion that amount of tithe to the arable land and the land not arable. The valuer, then, was to apportion the total amount of the tithe collected to the arable and pasture land in each parish. Now, he believed that great difficulty would be practically found in making that apportionment. It might be easy to determine the amount of tithe received from any given farm, but it would be very difficult for any valuer—a stranger, perhaps, to that part of the country—to determine what was the amount of the tithe which had actually, for the last five years, been paid for the portion that was pasture land, and what the amount actually paid for the portion that was arable. It should be observed, that the valuer was not to determine what amount ought to have been paid, but what had been the actual payments on account of tithe, and what the payments on account of the arable land, and what those on account of the pasture land. This, however, it was necessary to ascertain before the tithe-rate could be determined. He came now to the third difficulty. From the amount of tithe so determined, the total amount of which was to constitute the tithe-rate in each parish, the poor-rates and charges were to be deducted. But the rates and charges varied so much in different parishes, that, after having so deducted, in the case of each parish, the rates and charges, when they came to apply the invariable rate in districts, they would find that in many parishes in which the rates were low, people would be complaining of the amount of tithe fixed on them, while those in which they were high, would comparatively be greatly benefited. It appeared to him, therefore, that these were serious difficulties in detail in the way of satisfactorily carrying into execution this plan. But, suppose those objections to be obviated—suppose that the payments on account of tithe for the last five years were precisely ascertained, there would even then remain considerable difficulty. The returns were to be made to the quarter-sessions, and the district to which the tithe rate was to be applied was not to be determined with reference to the value of the land, but was to be the county district—the division in which certain justices of the peace acted. Now, it was clear that that was a totally arbitrary assumption, or division without reference to the quality of the land; and these districts included land of different qualities. Under these circumstances suppose they had valued the land accurately, the tithe-rate might have given great dissatisfaction. It was possible, that, if they spread the total amount of the tithe over the whole district, the result might have been fair to the whole body of the land-owners and the whole body of the clergy; but that was not enough. If, in any one district, the result was, to aggravate the tithe, it would be no consolation to the particular parish whose burden was so aggravated, to tell them that the balance was fairly struck, and that they would find that in a corresponding parish the tithe was proportionately small. To refer them to the more fortunate state of their neighbours would, in all probability, increase their dissatisfaction. But he very much doubted if the House could assume the general principle with respect to a large district of a fixed population, between the amount of tithe and the amount of rent; that must depend upon two considerations, which were entirely distinct from each other. The amount of the tithe was determined by the produce of the land: the amount of the rent was not determined by the actual produce of the land, but by the expense of cultivation. Let them suppose the case of one farm of a certain extent, that produced, say 100 quarters of wheat, which would sell for £300; and let them suppose that the expense of cultivation on that farm was only £200, that would leave a clear profit of £100 to remunerate the farmer, out of which the rent would be paid. Let them next take another farm, exactly equal in its extent, and which produced exactly the same quantity of corn, but the expense of the cultivation of which was £250 instead of £200. The amount of the tithe being precisely the same in both instances, the proportion which the tithe would bear to the profit would be as twenty to a hundred in the one case, and twenty to fifty in the other. It was not necessary to calculate all the propositions; the principle applied universally. It appeared to

him that the principle which assumed a fixed proportion between the rent and the tithe, and applied that universally, must be subject to the objection he had just stated, and must preclude the satisfactory operation of any bill founded upon it. Let them take what districts they would, and let the quarter sessions come to what decision they might, it would be found that the value of the land depended so much on the quality and expense of cultivation, that, though the difference might not in general be so great as in the example he had quoted, still the consequence of such a plan would be to reduce the amount of the tithe in some parishes, and raise it in others—injuring some farmers, perhaps ruining them, and conferring a corresponding advantage on others. He would take a district in Sussex by way of illustration, which included soil on the north side of the Downs, and soil on the south side. There was a great disparity between the value of the land in these two divisions of the county, and also between the amount of the rent and the tithes; notwithstanding this, however, the average must be struck from the estimate of the whole value of the land and the amount of the tithes. The consequence, therefore, would be to apply a rate which would reduce the amount of the tithe raised in the parish which had the rich land, and increase it in the parish which had the poor land. The result would be exactly the opposite to that which, on the whole, was desirable. Suppose that on the light land on the north side of the Downs, the rent of which was 9s. an acre, the value of the tithe was 3s.; and suppose that on the land on the south side of the Downs the value of which was 40s. an acre, the amount of the tithe was 4s.; if they supposed that these two parishes were a fair estimate of the parishes on each side of the Downs, and if they took the whole amount of the value of the land, and the amount of the tithe payable, and struck a mean between them—if the value of the tithe were 3s. an acre, and the land were worth only 9s.—the payment would be more than 1s. 8d. in the pound; but if the tithe were 4s. an acre, and the land were worth 40s., then the payment would be only 2s. in the pound. Thus it would be found that an attempt to strike an average between the two, and apply the principle uniform throughout the district, would be to increase the amount of tithe received by the owner of the tithes in the poor parish, and to diminish the amount received by the owner of tithes in the rich parish. The result would be, that in those very parishes in which the tithes were at present not sufficient, and required an increase, they would be reduced, while in the parishes most distressed, and in which they were most onerous, they would be increased. He believed that any measure which called on parties to pay an increased amount of tithe would create so much dissatisfaction, that nothing would reconcile them to it. In fact, if the result were to increase the burden of tithes, there would be a degree of dissatisfaction which no reasoning as to the general advantages of any measure would be sufficient to allay. On account, then, of the complication of the plan, of the difficulty of applying it universally, on account of a part of it being to raise the tithe in some parishes and diminish it in others, and the dissatisfaction which he believed would be the consequence, after mature reflection—for he begged to assure the House that he was in no way prejudiced against the measure on account of the quarter from which it emanated—taking all these circumstances into consideration, he retained the opinion he expressed when the measure was originally proposed to the House. He still thought it was possible that some other plan might be suggested less apparently extensive, and less complicated, which might on the whole give more satisfaction. He had stated his reasons why the plan which he had to propose was not founded—first, on the actual valuation of tithes—secondly, on a mere reference to the average receipts for the last seven years, and thirdly, on the principle of the noble lord, who assumed a fixed proportion between rent and tithes, and applied it universally over a given district. Having excluded these three principles, the question was, on what principle could any other measure be founded? He had no hesitation in saying, that the principle which he had always considered preferable to any other was that of giving the most perfect facility and the greatest possible encouragement to the voluntary commutation of tithes. In the first place, in favour of the voluntary commutation of tithes, he would refer to a document which had been presented to the House by his right hon. friend, the member for the University of Cambridge. It was an account of the several parishes in England and Wales in which the commutation of the great and small tithe had been authorized by any act of parliament, distinguish-

ing those cases in which allotments had been given in lieu of tithes. Before hon. gentlemen formed an opinion on this subject, it was important that they should examine this document, in which they would find an account of the number of private acts passed from 1757 to 1830. The paper was drawn up with great care, and amongst other things, specified whether land was allotted, whether there had been corn-rents or money-payments, whether the commutation was for small or great tithes or for all tithes, and also whether or not the parish to which reference was made was a parish in which there had been any new enclosure. The House would, therefore, be able to judge of the extent to which commutation had taken place in the new enclosures. It appeared that in upwards of 1,000 parishes there had been voluntary agreements, under which a commutation of tithes had been effected. Now it might be recollected that such agreements were subject to the greatest difficulties, and to a very great expense. In each of the cases there was first the labour to be undertaken of procuring a private bill, and next there was the cost of such a measure. On some of those acts a sum of not less even than £2,000 had been expended. He proposed to remove that impediment of the labour, and to put an end to the expense; having done which, he could not help thinking that great inducements would exist for the establishment of voluntary commutation; and he believed that a great progress would speedily be made in carrying it into effect. Taking into consideration the facts, that in some parishes a *modus* had been adopted, that in some there were small tithes, and in others great tithes; that in some there were three or four parties entitled to the tithes, such as the vicar, the rector, and the lay impropriator, each entitled to his share—considering all these circumstances, he was afraid it would be difficult to lay down a general rule by which any party having to arbitrate between these different claimants, could decide at all satisfactorily what was due to each. Then what was the rule that he would lay down? He proposed to call in aid the principles of justice, he proposed to enable parties to determine the question for themselves; and the rule if universally applied might preclude the necessity of application to the law. The rule he would recommend was that of local knowledge, a sense of common interest, a desire to effect a settlement, a disposition to remove all difficulties, and to get rid of the expenses. Such a rule was applicable to all the different circumstances of various parishes, and he thought would succeed better than any other. It would give great encouragement to commutation; but would facilitate it on a new principle. He must, however, explain some of the means by which he proposed to assist in effecting this object. In the first place, he proposed, if the legislature would sanction it, a commission of persons, who should superintend the whole, and the smaller the number of persons who should compose the commission the better; and that the commissioners should have the power of appointing an assistant-commission. He would propose also, that every parish in this country, after due notice to the tithe-payer, should be entitled to meet for the purpose of considering the possibility of effecting an amicable settlement. Parties might be allowed to meet without such a notice; but he thought it would be better for a notice to be given in every case, for the purpose of inviting all interested—to whom the assistant commissioners would communicate their views—to attend. He believed, that one reason why commutations had not been more frequently made was this—though many might wish to have the advantages to be derived from them, and be desirous of seeing them effected, still what was everybody's business was noone's: others might be terrified by the tithe act—some were ignorant of the form of application to parliament for an act. Then there were parties whose interest would tempt them to make an effort with such a view, but the trouble, labour and difficulty of procuring the consent of individuals, as everybody must know who had been at all engaged in local business, were enough to deter from exertions for the public good. He would invite, therefore, after due notice, a meeting of the tithe-owners and the tithe-payers, and he would empower the commissioners to send down an assistant-commissioner, possessing a full knowledge of the law on the subject, to be present at the meeting to hear their complaints—to explain the law to the parties, and explain to them the principles on which they ought to act. He would not bind the assistant-commission to any particular terms, but to look at all the circumstances, to be in one sense merely *amicus curiæ*, to suggest what might appear to be right, and then to leave it entirely to the parties. He would provide, that in case two-thirds in point of value

of the tithe-payers should agree with the tithe-owner, then that their consent should bind the other tithe-payers. If the tithe-owner, however, and two-thirds of the tithe-payers should consent, still he would not allow that to be valid until after it should have been submitted to the commissioners in London, who should review the circumstances in order to prevent fraud and collusion, and after giving their consent, that decision he would enact should be final. He would then propose that the money payment for substitution should be what was commonly called a corn-rent in lieu of tithes, which corn-rent should be subject, at the option of each party, to a periodical revision, and should vary only according to the price of corn. He was not disposed to take the price of wheat alone, for it had not of late borne a fixed proportionate value to the value of other corn, but would take the periodical variation of the money payment in the shape of corn-rent, to be determined by a reference to the price of all descriptions of grain, corn, wheat, and barley. He would not impose on any parish the necessity of the attendance of the assistant-commissioners; if the parishioners could, by an amicable arrangement, come to a settlement amongst themselves, there was no reason why they should not be allowed to do so; but he would not permit the agreement to be binding till it had received the assent of the commissioners. Where the living was not in the Crown, but in the hands of the dignitaries of the Church, it would be necessary to get the consent of the bishop; but that there might be uniformity, the whole must be under the control of the commissioners, and the bishops should be represented to a certain extent, by giving the appointment of one of the three commissioners to the Church, or by the application of some general principle of that law. Where the amount of corn-rent might be to be determined, of course it would be necessary that there should be an assessment, and that should be made by the authority of the assistant-commissioner. He also proposed, in the case of a modus, to allow the parties to refer the matter, by way of arbitration, and for the purpose of an amicable arrangement, to the commissioners in London; but if they required it, he would not debar them from the privilege of the ordinary proceeding. What he intended to offer was, that the parties might have their cases decided by the commissioners without incurring any expense. Seeing the number of cases in which, by the consent of both parties, land was granted in lieu of tithes, he would permit, with the consent of both parties, in any given time, a portion of land to be set aside in lieu of a money payment; but the substitution should wholly be in the first instance a money payment. The remedies he would give for the recovery of a rent-charge would be by action or distress, or a summary remedy by the magistrates, if the sum were below a certain amount. In the case of lands on lease, he would permit the tithe rent to be paid by the lessee, allowing him to deduct the amount so paid from the head landlord. The period he should propose for periodical revisions should be every seven years. In order to provide for changes in the value of corn, it should be allowable for either party to vary the amount of the corn-rent according to the average prices of corn for the preceding seven years. He intended to limit the operation of this bill to five years, giving it only such further continuance as was necessary for the purpose of completing any agreements that had been made under it. When he reflected that, by the measure he submitted to the House, each party, the tithe-owners and the tithe-payers in every parish, would be free from the expense and trouble of applying to parliament for a private act, he could not help thinking that the effect would be to afford such great facilities, that, general attention being once directed to the subject, the commutation of tithes would be adopted on the most satisfactory principle, he meant by mutual and voluntary agreement, in great numbers of instances. At first, he dared to say the progress made would not be considerable; there would probably be some angry discussion and some extravagant claims on either side; but the measure would at all events succeed in some few instances, and the advantages attending the arrangement becoming known, he had no doubt that it would be generally adopted. The assistant commissioner being able at his next visit to give a satisfactory account of the benefits derived from it in other quarters, the fair conclusion was, that such representations would have their effect. His expectation was, that long before the expiration of the tithe commutation commission, an amicable commutation of tithes would be effected in most parts of this country. He felt sure, at least, of this, that the arrangement would be found far more efficient than any plan for compulsory commutation. If it

were only the actual experience to be gained by this measure, if it were only the knowledge to be acquired of what would satisfy each party, he thought that would be a sufficient inducement to the legislature to pass this bill. It would, at all events, enable them, in the case of parties who had declined to avail themselves of its powers, to determine what would be the most equitable principle on which to found a compulsory commutation. He thought it desirable to make this bill as simple and intelligible as possible. The object was to get a fixed money payment in lieu of tithe, and thus to put an end to the discouragement of agriculture—to that discouragement of improvement which arose from the uncertain payments, and the demand for increased tithe in proportion to those improvements. He did not propose, therefore, to burden the measure with the question of redemption. First let them get the commutation, hereafter they could determine as to the manner in which the redemption should be effected. He did not think it necessary to detain the House longer; the details would be best ascertained by a reference to the bill itself; if he went into them he feared that he would be rendering his statements too obscure. By consenting to this measure, the House would facilitate the commutation of tithe, leaving the matter to be decided by the common and voluntary consent of parties chiefly interested, while at the same time an effectual security would be provided, inasmuch as it would be subject always to the control of the commission, in the constitution of which he gave the church a voice, in order to prevent any injury to its interests. In adopting that course he hoped that a foundation would be laid in the safest and most satisfactory manner for the settlement of a question which had been the theme of discussion for ages, which had been productive of great expense in the shape of litigation, and had, he was afraid, been the cause of much local irritation, which he was convinced had only been prevented from breaking out into serious mischief, by the forbearance and temperate discretion of those who were interested in the levying of tithes. It was impossible, as he had already observed, to read the testimony of those who were most personally conversant with the operation of tithes in all their bearings, without feeling satisfied that the conduct of the clergy of this country as a body, in respect to the collection of tithe, entitled them to the character of the greatest liberality; having, in fact, sacrificed every personal and pecuniary interest to their desire and anxiety of maintaining a relation of friendly good-will among those over whose spiritual interests they were called to preside. It was because he felt that the landowner had a chief interest in the arrangement of this question, and because he felt convinced from past experience that the clergy were desirous of seeing it settled in a manner which, consistent with equitable principles, might be fruitless of litigation and unhappy collision with their parishioners, that he entertained a confident hope that the surest mode of laying the foundation, if not for an immediate, at least for a speedy and permanent settlement, was to be found in the amicable compromise and voluntary agreement of both parties immediately interested. The right hon. baronet concluded by moving the following resolution:—"That it is expedient to give facilities for the commutation of tithe in the several parishes of England and Wales, and for a payment in money in substitution thereof, to be charged on the titheable lands in each parish—such payment to be subject to variation at stated periods, according to the prices of corn; or for the allotment of land in lieu of tithe in parishes wherein the parties concerned may consent to such allotment."

Several members then took part in the debate, towards the close of which,—

Sir Robert Peel thought that he should best consult the convenience of the House if, before any further questions were put, he proceeded to answer those which had been already addressed to him. As the present was only the first stage of the bill, everybody would see that there were strong reasons why he should not pledge himself to the answers he might give upon the different points which had been raised during the discussion. He was certain of deriving great advantage from the discussion which he had already heard; and perhaps the best course which he could adopt would be, not to pledge himself in his reply to those points which had been pressed upon his attention. In reply to the hon. member for the city of London, he must observe that where tithe came in the shape of personal tithe, or the tithe upon houses, it was a subject of great difficulty. He had attended to that subject, but he could not say that it would form any part of the present bill. He believed that the bill of Lord Althorp did not attempt to settle the difficulty which always must exist in the

commutation of tithe in town parishes. An hon. and gallant gentleman had asked him whether he would not compose his board of five commissioners. To this he replied that he preferred a board of three commissioners. It appeared to him as a practical man that the smaller a board of commissioners was, the greater was the responsibility resting on each commissioner, and that the greater the responsibility of each commissioner was, the more satisfactory was the exercise of the power with which they were intrusted. He proposed that two of the commissioners should be appointed by the Crown, and a third by the Archbishop of Canterbury. He placed the appointment of the third commissioner in the power of the Archbishop of Canterbury, in order to invest him with that power which was now exercised by the bishops in preventing incumbents from injuring the interests of their successors by improvident compositions. To give the Church a countervailing influence for this power in the commission, he vested the appointment of one commissioner in the Archbishop of Canterbury, to which he thought there could be no objection. Another hon. member had asked him whether the consent of two-thirds of the landowners in a parish to a composition would be compulsory on the remaining third. He was aware that there might be devices to saddle a third of the landowners with a burden that was unjust. It was to prevent any occurrences of that nature that he had appointed this commission; for he thought that there would be a great objection to making these voluntary compositions obligatory upon all parties without some superintending power. To prevent one-third of the landowners from being overborne by the remaining two-thirds, he had provided that no contract should be valid until it had been considered by the superintending board in London. That board would receive any remonstrance that might be sent to it from any parties who considered themselves aggrieved, and thus he trusted injustice would be prevented. Another hon. gentleman had asked him whether it would not be just to include other elements besides those which he had mentioned to determine the variations of the average. Now he could not concur in the propriety of taking in meat as one of those elements. Though of late years it had been assumed that the price of wheat bore a certain proportion to the price of other provisions, he was not inclined to admit the correctness of the assumption. He thought that the combined price of barley, oats, and meat would be a better, and a sufficient test. The commutation rent might be re-adjusted at the end of any given number of years, according to the then average price of wheat, barley, and oats. If the composition were to be septennial, it would be formed on the average of seven years. If it were decennial, it would be formed on the average of ten years. The fewer elements that were taken into consideration the better; for if more were taken, the bill would lose that simplicity which was, he thought, its chief recommendation. Another hon. gentleman had asked him this question—supposing that two-thirds of the landowners would not concur in the composition, would the remaining one-third have it in their power to make an amicable arrangement with the incumbent? The bill would not contain a provision of that kind; and in his opinion great caution should be exercised before any such provision were acceded to. The public advantage would not be advanced by it; for it would not be right in principle to grant to two or three individuals the power of making a private contract with the tithe-owner, and to leave to the clergyman the odium of collecting the remainder of his tithes in kind. It admitted of great doubt whether such an arrangement would not in practice prove most unsatisfactory. In reply to a question of another hon. member, he must observe, that when the tithe-owner had the consent of two-thirds of the landowners, and of the superintending board, the arrangement should be perpetual. In answer to a question put by Sir Robert Price, Sir Robert Peel said, that the bill would admit voluntary commutations. The commissioners would be at liberty to call the landowners together, and to suggest in cases of doubts and difficulties an amicable arrangement, and to facilitate an agreement between them and the tithe-owners. He might say to them—"You will be fighting a question of *modus* for ever—you will be removing one difficulty only to start another—let me propose an amicable arrangement, and so put an end to every legal difficulty in which you either are or may be involved." He thought that giving such a power to the commissioners would put a stop to much litigation. As to settling the difficulties in the way of composition which might arise in every parish, he could not pretend to any such thing; and if we were to attempt it, the points of difficulty



under this new law would be as numerous as those now existing under the old law.

Mr. Parrott wished to know whether the burthen was to remain on the owner or the occupier of the land? Was any abatement to be made where the land was highly cultivated?

Sir Robert Peel said, that the tithe was to be levied on the occupying tenant, who would have the right to deduct the amount of it from the rent which he owed to his landlord. With respect to abatement there was a power given by Lord Althorp's bill to make an abatement; but if parties made a voluntary arrangement among themselves, his bill would give no power to the commissioners to make any abatement from it. One word with respect to compulsory arrangement. If he had prepared a bill to make a compulsory adjustment of tithe, he should not have hesitated to give the commissioners power to make an abatement. But he had not prepared any such bill, as he had seen various attempts made to attain that object, and all of them ineffectual. He did not believe that any one general plan for a compulsory arrangement could be adapted to districts differing so much in local circumstances as the county of Cumberland and the county of Kent. Indeed, he did not think that any general plan of that kind could be devised which would give satisfaction to the tithe-payers throughout the kingdom. The best mode, as it appeared to him, of getting ultimately at a compulsory arrangement, was to try first the voluntary plan, to see where it succeeded, and to note where it failed. Then when additional information was gained from various quarters, the House might steer its course through all the difficulties attending the compulsory plan. What he principally deprecated was, the making a compulsory arrangement as an experiment, and the failing in it. To fail in such an arrangement would throw the whole question back for years; but to fail in this voluntary plan, would lose no present advantage; the country would be just where it was—just as well off as before, and then the House might consider whether it would not take up with a compulsory arrangement. He would confess that he was more sanguine than many hon. gentlemen appeared to be with regard to the success of this voluntary plan. In the accounts relating to the property-tax, there was some information respecting the amount of tithe which was taken in kind in 1810. In that year the amount of tithes was £2,353,000, of which there was under composition £1,932,000. Therefore the amount of tithe not under composition, or in other words, taken in kind, was £421,000. Thus not more than one-fifth part, or speaking more accurately, only eighteen per cent of all tithes collected in England and Wales in 1810 was taken in kind. Now all tithe compositions existing at present were voluntary arrangements under private Acts of Parliament. There were some parishes in which a composition, on the principle of a corn-rent, under a voluntary arrangement, sanctioned afterwards by private Acts of Parliament, had perfectly succeeded. He would instance two parishes, the parish of Lancaster, and the parish of Cockermouth. In 1824, an arrangement of this kind took place in the parish of Lancaster. A commissioner was appointed by an act. The vacancy, when it occurred, was to be filled up by the justices at the Quarter Sessions. A corn-rent of £1,358 was to be payable in lieu of tithes. The expense was apportioned among certain townships in a manner specified in the act. There was to be a decennial re-adjustment, on the appeal of the vicar or one or more owners of houses and lands, at Quarter Sessions, but the amount was not to be reduced below £1,358. A new apportionment might be made decennially by appeal to Quarter Sessions of owners of the yearly value of £100. That act had worked well, and no objection had been taken, or indeed could be taken, to the principle on which it was founded. In the parish of Cockermouth a composition had taken place on the principle of a corn-rent, and there too the plan had worked well. Now, he did not see why, in a great number of parishes, where no great expense would be incurred in carrying the plan into execution, the same principle might not be applied. An hon. member had proposed, that land as well as money should be assigned to the incumbent in lieu of tithes. He proposed, that land should be given to the clergyman where spare land could be found in the parish. In the case of enclosures, where spare land could be found, such a plan might be advantageous; but he was afraid that the general adoption of it would only increase the difficulty of commutation. He did not exclude land from being given in lieu of tithe, but he would take a corn-rent as the

rule, and land as the exception. The practice of Scotland proved, that there was nothing in the principle of this bill to prevent it from working well. He was glad to find that the House had received his plan so well. If, in the progress of the bill, any alterations should be suggested, calculated to improve it, he should be ready to give them the most careful consideration. He should proceed at present on the voluntary principle, for he thought that any compulsory arrangement would at present compromise the success of that commutation, which they were so anxious to accomplish.

The resolution was agreed to, and the House resumed.

## LONDON UNIVERSITY.

MARCH 26, 1835.

Mr. Tooke, in a brief speech, proposed "That an humble Address be presented to his Majesty, beseeching him to grant his royal charter of incorporation to the University of London," as approved in the year 1831 by the then law officers of the Crown, and containing no other restriction than against conferring degrees in divinity and in medicine,"—

Mr. Goulburn moved as an amendment, "That his Majesty would be graciously pleased to order copies of the memorials which had been presented against this charter, together with an account of the proceedings before the Privy Council."

SIR ROBERT PEEL rose and said, I take it for granted, from the general demand that is made in the lower part of the House for an immediate division, that the gentlemen assembled there are perfectly acquainted with the nature of the motion on which they are going to divide, that they have maturely weighed the proposal upon which they are going to address the Crown, and, therefore, that they consider there no longer remains any necessity for further discussion; but, to those who are not exactly aware—to that portion of the House which, not having heard the argument [a number of members had just entered the House], cannot be acquainted with the nature of the proposal upon which we are going to pronounce an opinion, I take the liberty of reading the motion. It is in these words: "That the House do agree to an address to his Majesty, beseeching him to grant his royal charter of incorporation to the University of London, as approved in the year 1831 by the then law officers of the Crown, and containing no other restriction than against conferring degrees in divinity and in medicine." No man who has not read the report of the then law officers of the Crown, or does not know the contents of it, is very well qualified to press the restrictions specified in the motion upon the Crown. The address is to grant a charter of incorporation, but to grant it upon the principle approved of by the law officers of the Crown in 1831. Now, I ask the House of Commons whether it be decorous to proceed on a certain night to address the sovereign of this country to grant a charter to a certain body according to the mode approved of by the law officers of the Crown some years since, without having maturely weighed the scheme of which the law officers of the Crown so approved? Will hon. gentlemen consent that I should examine them severally upon the opinions expressed upon the report of the law officers of the Crown, in order that I may ascertain, out of the 300 or 400 members who are about to pronounce an opinion upon it, how many have maturely considered the recommendation of 1831? The law officers of the Crown, who were consulted in that year, proposed these restrictions upon the charter—that it should convey no power to the University to grant degrees in divinity and medicine. It may be very obvious and right, in the opinion of many gentlemen, to restrict the right of giving degrees in divinity, but why impose the restriction with respect to medicine? Why address the Crown to exercise its discretion in the grant of a charter, but limit the grant by the expression of some opinions to-night, and exclude the Crown from granting a charter for conferring degrees in medicine? I have an account in my hand of the state of the University of London in 1831. It had then 480 students, of whom 293 were students in medicine, 113 students in the arts, and 74 students in law. Am I to address the Crown to-night to give the privilege to the University of conferring degrees upon

the 74 students in law, and upon the 113 students in the arts, but to exclude the 293 who are students in medicine? This question has been brought before the House on former occasions. No longer ago than last year it was submitted to parliament, and taken into consideration by the Crown, and by his Majesty it was referred to the privy council. Suppose the House should agree to address the Crown again on the present occasion, what course is the Crown to pursue? Is it again to refer the matter to the privy council? Or is the Crown, having once referred it to the privy council, and having received no report from it, to disparage the labours of the privy council, and to grant the charter without reference to it? That is the question which the Crown must determine if this address be presented. The matter was referred to the privy council because the King thought it was but right to give the parties who were adverse to the proposition, an opportunity of being heard. What course is now to be adopted? If the Crown is not to exclude the privy council, is it to refer the matter again to the privy council? The hon. member for Bridport says, he thinks that some better mode might be devised than granting a charter to the University of London. If the hon. gentleman is of opinion that some better course might be pursued than that which is proposed to-night, why should not the House of Commons take his advice, and at least pause before it agrees to such an address as that now proposed? The hon. gentleman says he thinks it would be better not to confer any exclusive charter upon the University of London, but to establish one general and common University for the metropolis, including the king's college and other schools, as well as the particular establishment now under consideration. Then, why am I to be called upon to-night to present an address to the Crown, praying that a charter may be conferred upon the University of London? The hon. member for Bridport says, that those who sit on this side of the House are not in the habit of adopting liberal opinions. [Mr. Warburton: Were not.] Does the hon. gentleman mean in the course of the last year? In the course of the discussions that have taken place upon this subject, the strongest opinions have been expressed against granting a charter to this University. I do not recollect ever having expressed a strong opinion upon the subject; but the strongest objection that presents itself to my mind to the proposition now before us, is to be found in the proceedings adopted last year at the instance of the hon. gentlemen then in the government, but who now sit on the opposite side of the House, and by whom this very question of granting a charter to the University of London was submitted to the Crown, and by the Crown referred, as I have before stated, to the privy council. A committee of the privy council was appointed—they received the petition of the parties adverse to the grant of the charter, or at least anxious that it should be accompanied with certain qualifications—they heard the evidence—they heard the speeches of counsel on both sides—they heard a very able speech from my learned friend Sir Charles Wetherell—they heard a speech from the hon. and learned gentleman opposite (Dr. Lushington)—they took the whole subject into their consideration, but to this hour they have never given any opinion upon it [“Hear, hear!”]. “Hear, hear!” says the hon. gentleman opposite with a sort of triumphant laugh. I am only answering the charge he has made upon the hon. gentlemen who sit on this side of the House, as to the great obstructions that they have ever been disposed to throw in the way of education. I presume, from what I have stated, that there must have appeared some good and valid ground for withholding the grant of the charter, especially as the late Lord Chancellor was one of the committee of the privy council which was appointed to enquire into the matter. I find, by a paper in my hand, that the members of that committee were the Archbishop of Canterbury, Lord Brougham, the Archbishop of York, Lord Lansdowne, Lord Ripon, the Duke of Richmond, Earl Grey, Lord Eldon [“Hear!”], the Earl of Carlisle [“Hear!”]. Surely if the hon. gentlemen opposite cheered the name of one of those noble lords, they ought to groan at the other. I continue: Lord John Russell, the Bishop of London, Lord Holland, Lord Lyndhurst, Lord Denman, Chief-Justice Tindal, Lord Melbourne, and Lord Stanley. This committee was constituted by the late government; it met, and gave the greatest attention to the subject. It sat upon the 26th of April and on the 3rd of May. The late administration did not quit office until the 13th of November. And why, having considered this matter fully, having heard the speeches of counsel on both sides—speeches which certainly did justice to the

subject, in point of length as well as in ability—why, having heard all this, and closed their proceedings on the 3rd of May, they never took a single step upon the subject up to the 13th of November, I confess, I for one cannot understand, unless they felt that there was some serious difficulty, legal or constitutional, that stood in the way of granting the charter. If that were really the case, what course is the Crown now to pursue? Is it again to refer the matter to the privy council? [“No, no!”] It is not to do so; it is not to ask again for the opinion of Lord Brougham or Lord Denman? But I will not dwell upon the point. I proceed. Now, what is the proposal of my right hon. friend, the member for the University of Cambridge? He proposes an amendment, praying his Majesty to give directions that there be laid before the House, not merely the proceedings before the privy council, but copies of the memorials presented to, and the proceedings had before, the privy council, in the matter of the London University. I conceive that the House, being in possession of all those documents, will be better able to determine what course it will be proper to pursue, than it can be at the present moment. The hon. member for Bridport says, that he shall feel it to be his duty to press the question to a division, unless I will pledge myself to take the adoption of a particular plan which he has pointed out, into my serious consideration. I will not, for the purpose of evading the temporary difficulty, give any pledge of the kind required by the hon. member. If the House shall think it decorous to proceed to an address to the Crown, praying that a charter may be granted to the University, as settled by the law-officers in 1831—if it shall be prepared to say to-night, that the charter when granted shall include a restriction on medical degrees, let it pursue that course. I say openly, that, in my opinion, it will be an unwise and an improper course. I believe that the course pointed out by my right hon. friend would be much more safe and much more satisfactory. It precludes nothing—it prejudices no future proceeding—it only enables the House to form a better judgment upon the question. But feeling my objections to the motion of the hon. member for Truro to be well founded, I say on this occasion, as I say on every other, rather would I be found in a minority, and throw the responsibility of what I conceive to be an unjust and unwise proceeding upon the majority, than acquiesce in any proposition for the purpose of escaping an occasional or temporary difficulty. I feel, Sir, that it is not proper for the House to present this address to his Majesty. I feel that the presentation of such an address will not in any way facilitate the object which the hon. member has in view. My past experience convinces me of the justness of these feelings; and, therefore, upon these combined grounds, I cannot give my consent to the motion before the House. At the same time, Sir, while I say this, I do feel that the position of that portion of his Majesty's subjects who do not conform to the Church of England, and who in consequence of their not submitting to certain religious tests are excluded from the Universities, is deserving of attention. It is a ground of just complaint for them, and their claim to academical honours is not fairly and fully met. As to what may be the proper mode in which these honours should be conferred, I am not prepared to say, but I do not make this statement for the purpose of entrapping the House, nor will I give any pledge on the subject. Let the House take that course which it, in its wisdom, thinks fit, without my interposition. But, at the same time, it is right that I should not withhold the expression of my opinion; or refrain from declaring that I myself have no objection to some provision being made that should accord to Protestant Dissenters, who are excluded from the Universities, the power of acquiring academical distinctions. But that is a question which will demand very great consideration; and which, in my judgment, is very different from what is now proposed to be acceded to by the House. I do not apprehend, Sir, that the Universities of Oxford and Cambridge, which now object to granting a charter to the London University, ever objected to that University granting degrees, and that the objection was narrowed to that charter conferring the power to grant honorary titles which might be confounded with the University honours of Oxford and Cambridge. I believe, Sir, there exists no objection to the London university granting degrees in the arts and in the law, specifying, in the diplomas, upon what authority those grants are made. At all events, this is a matter worthy of consideration. I hope, Sir, that I have dealt with the House perfectly fair. I repeat, I make no pledge, and give no assurance upon the subject; because I have not yet given the

matter the consideration which it deserves. I think the motion of the hon. member for Truro an unreasonable one; and I prefer the amendment of my right hon. friend, because I conceive it to be the only course which the House can with propriety adopt in the present state of this question. I shall conclude by declaring, with great deference to the authority of the House, my respectful opinion that its decisions will acquire much greater authority if adopted after mature deliberation, and much greater weight will belong to them, if they are known to be the result of dispassionate discussion, and formed after the House shall have received the information that is within its reach. I hope the House will not come to a hasty resolve in favour of the terms in which the charter should be granted to the London University, especially when the hon. member for Bridport has stated, that those terms ought to be more extended, and when it is very doubtful whether medical degrees should be excluded from the charter or not.

Lord John Russell having replied; the House divided on the original motion: Ayes, 246; Noes, 136; majority, 110.

## SUPPLY—ARMY ESTIMATES.

MARCH 27, 1835.

SIR ROBERT PEEL said, he thought that the House upon all similar occasions to the present, had always been in the habit, whatever might have been the feeling of hon. members, and however strong their objections to the political principles of the government, disposed to show that consideration which was due to the circumstances under which a government was called upon to administer the affairs of the public. And when the House recollected that the present government undertook the functions of the administration in December last, that they then found many questions remaining unsettled; the English tithe question was unsettled; the Irish tithe question was unsettled; the dissenters' marriage question was unsettled; the state of Canada was unsettled—he might say, untouched—the ministers having on all those questions to form a deliberate judgment, the House would not be surprised if there should be some matters which they had not taken into consideration. The ministers had applied themselves to the serious consideration of those matters which had appeared to them to be the most pressing, and it would be for the House to say, whether they approved of the measures or not which were the result of the deliberation of the ministers. He was sure they could not fairly say, that government had been remiss in submitting measures to parliament. The noble lord had, in effect, said it was the fault of government having dissolved parliament, that the business of the country had not been proceeded with; this he totally dissented from. He would ask whether, on the days that were appropriated for the committee of supply, they had not been constantly obstructed?—whether almost every day usually appropriated for that committee—whether there had not been some motion or other made as an amendment on the motion for a committee of supply? Two notices of motions as amendments had been given for that very day. The hon. member for St. Alban's (Mr. Ward) had given notice of a motion for to-day, for postponing the vote on the army estimates till after the vote on Monday night. He hoped the hon. member would persevere with that motion; he believed it stood for to-night. Was it to come on after the hon. member for Middlesex's motion had been disposed of? He would take for granted that it was; he hoped it was, because he thought that that would be a fair and legitimate course by which the House could signify, whether they would or would not permit the government to continue in the conduct of public affairs. He had never had greater anxiety than he had had with respect to these repeated notices. Notice was given on one day that the navy estimates should be postponed, on the express ground that the House had no confidence in the ministers; on the other, that the army estimates should be postponed for the same reason; and when last night he saw the notice of the motion that the army estimates should be postponed till a vote was taken on the noble lord's motion, he did not then entertain a doubt that at last a decision would be irrevocably come to, and that the House would come fairly to the question whether it would allow a vote to be taken for

the number of men, or whether it would insist on the postponement of the business of the House, from want of confidence in government. He did hope that a motion so recently, so deliberately announced, as that of last night—announced, too, by one who had taken, as he was entitled to take, so prominent a part in connexion with the Irish Church—on the question whether or not they were prepared to postpone voting the number of men required, till after the decision of Monday next—he did hope that, considering the position in which they stood, that hon. member, having deliberately given notice of that motion, was prepared fairly to bring it under the consideration of the House. The conduct of government in calling parliament together on the 19th of February, instead of the 4th or 5th, as the noble lord (Lord John Russell) and his colleagues did in the preceding year, was not, as had been represented, the real cause of the delay which had taken place in the arrangement of the public business. It was owing to the exercise of that—that extreme right—which he was ready to admit hon. members possessed, of moving as amendments to the motion for going into Committees of Supply, resolutions which certainly had no immediate connexion with the supply vote. The time had at length arrived when it was necessary for the House to determine whether or no they would allow further obstructions to be thrown in the way of the public service. On the 25th of April, the Mutiny Act would expire. They had, therefore, the power either by direct motion, or by factious obstructions, to prevent the public business from being proceeded with. He hoped, from a regard to the character of the House of Commons, the course they would take would be a manly and straightforward course. If they brought forward irrelevant motions for the sake of postponing the necessary business of the country, it became them to consider how far that was compatible with the dignity of the House, and the advantage of the public service; and if they were determined to submit a motion of want of confidence, let the House know the grounds on which they proposed it. To waste the time of the House by long and tedious debates and frivolous motions, was not a fair and legitimate course of opposition. It was a fair and legitimate course of hostility for the House of Commons to declare, “We have no confidence in your government, and we will not intrust you with any vote or control of money;” and “never,” said the right hon. baronet, “did I pant for any motion as I do for that, and I am careless what the issue of it may be.” That was the fair and legitimate course of opposition for the House of Commons to take; but it was not fair to leave the ministers in doubt as to what were the intentions of the House, making it impossible for them to fulfil those intentions, by opposing obstructions, through causes which it was impossible adequately to meet, and the motives of which the public could not very well understand. The House was aware, that the financial year would close on the 1st of April; the ministers had proposed the estimates, and the Mutiny Act would expire on the 25th of April; if, then, a want of confidence in the executive government induced the House to withhold the supplies, let them say so; not by a factious opposition, but by a distinct vote. To postpone the supplies, was, perhaps, not a factious course; but the indirect course, giving notice of motions to withhold supplies, withdrawing them, and granting supplies, substantially implying confidence in the government, certainly appeared like faction. If, instead of adopting such a course, the House of Commons had applied itself to the consideration of the estimates on previous nights, although it did not meet till the 19th of February, instead of the 4th or 5th, there would have been sufficient time for the complete discussion of the subject. He was afraid the hon. gentleman was not going to divide on the motion, which was to this effect—that the army and ordnance estimates should be referred to a committee. A notice to that effect was given by the hon. gentleman, but he had now made a qualification. He did not mean to find fault with it. On the contrary, the hon. member had exercised a legitimate and sound discretion; but he now was willing to concede the number of men, the responsibility properly resting on the executive. He (Sir Robert Peel) had formerly contested that point with the hon. member, on the subject of the navy estimates, maintaining that government ought to determine and regulate the amount of naval force required; but the hon. member at that time did not agree to his proposition. On reflection, however, the hon. member had altered his motion, and that wisely. It was not a mere technical matter—the grand, plain, intelligible, rational ground, was this—the

executive government commanded means of information which the House of Commons, and no Select Committee, could have access to; and, acting on their own proper responsibility, their constitutional province was to propose the amount of force which the exigencies of the public service required. That was the ground on which the force was proposed. They were not to acquiesce in it because the forms referred it to the privy council. He would not accept of the hon. gentleman's compromise, on that understanding. It did not rest with them, as an executive and responsible body, to propose the force; it rested with that body which was known to the strict letter of the constitution, was known to the House of Commons, forming the cabinet council called by his Majesty to render him the necessary assistance in the executive department of the state, and responsible for the manner in which they exercised their powers. The hon. gentleman, therefore, wisely and justly now said, that the proposal of that force should be left with the executive government. Not that their proposal should be conclusive on the House of Commons; for if it appeared larger than the necessities of the public service required, that House would only be performing its proper functions, not by delegating them to a Select Committee of twenty-five of its members, but by distinctly avowing to the executive government, that it was not satisfied with the estimate made, and the grounds on which the force was demanded. The hon. gentleman then proposed to forego enquiry into the amount of the force, and made a proposal to this effect, that the rest of the army estimates, and the whole of the ordnance estimates, should be referred to a Select Committee. But, notwithstanding the exception of the amount of military force from the enquiry of the committee, he could not adopt the suggestions of the hon. gentleman. He never could consent to refer the remainder of the army, and the whole of the ordnance estimates, to any Select Committee. If this were to be done in the present case, it ought to be done every year, and he, for one, would never consent to establish the precedent of withdrawing those estimates from the annual revision of the House of Commons, when every member was called on by his duty to his constituents to take a part in that revision, and transfer them to a committee up-stairs, where, as the right hon. baronet (Sir J. Graham) justly said, "If a government wanted to slur over an objectionable vote, or make an imperfect explanation, they would have a much better opportunity of doing it in a committee, where the public scrutiny was not let in, where there was no irregular perhaps, but still very coercive, report of their debates and proceedings." If a government, he said, wanted to screen objectionable votes from enquiry, let them send them up to a Select Committee, exercising an influence in its formation, and establish thereby the fatal precedent of withdrawing those votes for ever from the jurisdiction of the committee of the whole House.—He would not, therefore, consent to the amended motion of the hon. gentleman. But then came a third proposition, whether they would consent to the appointment of a committee for the purpose of enquiring into certain matters connected with the civil administration of the ordnance and army departments. It was exceedingly difficult to draw precisely the line where committees ought to be granted and where they should be resisted by the House, for it was easy to make a plausible proposition to the appointment of a committee upon every matter connected with the public interests. There was no office with respect to which it might not be said, Where is the objection to appoint a committee? Ten different gentlemen might appoint ten different committees with respect to ten different departments, declaring that "Two secretaries of state would do the business of three, and three Lords of the Admiralty do the business of five; reason will be heard in a committee, and they will determine whether or no it will not be better to make a reduction of the whole. If you establish a good case see what advantage you will have, because, reason being heard, and evidence adduced, you may be enabled greatly to reduce your establishments." They might say that of every possible department. But the real question was, whether there should not be made out a sufficient *prima facie* case; and he thought the House would agree with him, that the general arguments which they had heard in favour of all sorts of possible reductions did not establish a sufficient ground to induce him to consent in the present instance to the appointment of a committee. To illustrate this, he would observe that the noble lord, the member for Devonshire, proposed that a committee should be appointed to enquire, whether or not the office of commander-in-chief might not,

in point of fact, be virtually abolished, and his power transferred to the secretary at war. Now, he would not consent to a committee for the purpose of considering that question;—he would not consent to transfer the military administration of the army to a civil officer;—he would not consent to abrogate the civil duties of the commander-in-chief.—[Lord John Russell. I did not refer to any civil duties performed by the commander-in-chief.] One of the noble lord's objections was, that the secretary-at-war interfered with the commander-in-chief, and that the commander-in-chief interfered with the secretary-at-war. Now this must be an interference with respect to civil duties. As to the duties of the secretary-at-war, then, who might be a civilian, and who had civil duties connected with his office, he was not prepared to say that a committee should be appointed, in order to dissociate those duties from those of the commander-in-chief. The remaining question was this—whether he (Sir R. Peel) would undertake, on the part of the Crown, to consent to a committee of the House of Commons to enquire into the amalgamation of the civil departments of the army and the ordnance, or to the appointment of a commission for the purpose. He believed that he might now refer to what he had hitherto not thought himself entitled to refer to—the communication which the noble lord (Russell) had been good enough to make with respect to the result of an enquiry instituted by the late government. He did not think that he should have been called on to discuss that question, and the reason why he had alluded to the multifarious duties which had been devolved on the present government was this—that considering the early meeting of parliament after their appointment, many matters must have escaped that serious and attentive consideration to which they were entitled. It was only last night that the noble lord (Russell) complained that he (Sir R. Peel) was not prepared, having opposed the admission of dissenters to the Universities, to propose a scheme by which, admitting the principle, admitting the reasonableness of their expectations, the one and the other could be carried practically into effect. He admitted the principle, he said, but could not pledge himself to a measure with respect to the details of which he had had no opportunity of deliberately making up his mind. Now, he had no hesitation or shame in admitting that he had not given to that subject that full consideration which it deserved. He was ready to give a similar answer to the proposition of the hon. member for Middlesex. At the same time, he must say that he did not see any necessary connection which that proposition had with the vote of supply. What ground could a refusal be for opposition? Allowing that it were right to grant a committee, or appoint a commission, what connexion had the doing so with the army and ordnance estimates? If he refused either or both, let the hon. gentleman take the fair course; let him give notice of a motion on the subject for a future day,—let it come fully and fairly before the House,—let the evidence of its necessity be made apparent,—but let him not raise an opposition to a question of public business, which was as foreign from the question as one thing could be from another. If, after reading all the evidence given before the late commission,—if, after considering the question in all its bearings, he stated to the House and the hon. gentleman, that he did not deem it necessary to assent to his proposition,—then let the hon. gentleman take the course he thought proper in reference to it. He had no other answer to give the hon. gentleman. He could not, until those conditions had been complied with, accede to his proposition. Whatever might occur, he would never, while he had the honour to be a minister of the crown, consent to establish a bad precedent to escape from a temporary difficulty. He would make no pledge—he would give no promise beyond this—that the subject should have his best consideration; and if, on a future day, the hon. member brought forward a motion on the subject, he should be prepared to meet it, in whatever way he might deem most advantageous for the service of the state.

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### CHURCH OF IRELAND.

APRIL 2, 1835.

In the fourth night's debate on Lord John Russell's motion, "That the House do resolve itself into a Committee of the whole House, to consider the Temporalities of the Church of Ireland."



SIR ROBERT PEEL said, it was because he took very much the same view of the intention and effect of the question now before the House with the hon. and learned member who had just addressed it (Mr. O'Connell), because he believed that the carrying it would be considered in Ireland as a proclamation of a future system of government—because he believed that false hopes would be excited in Roman Catholics, and terror inspired in Protestants, unless the House acted with peculiar circumspection,—it was because he felt these things, that he was induced to overcome the disinclination which every man must have, whatever might be his experience in addressing a public assembly, in obtruding himself upon the House when its attention was exhausted, and when every argument bearing on the case had been already urged with the greatest ability. Nothing but an imperative sense of public duty, imposed by the public situation which he held, could, under such circumstances, overcome his disinclination to appeal to the patience and indulgence of the House.

The right hon. baronet then continued as follows:—At this critical period, at a time when Ireland is convulsed by agitation respecting tithe, we are called upon to decide this great question,—what steps shall we take for the purpose of reasserting an almost abdicated right of property? Four years have passed away without the practical assertion of that right in many parts of Ireland—the time has arrived when parliament must interfere with the moral weight of its own inherent authority, and with the coercive obligations of positive law, for the purpose of enforcing rights which, if they remain longer in desuetude, will be lost for ever. I am so impressed with the extreme importance of this subject, that a great part of what has occurred in the course of the debate I will pass over without notice. All that consisted of personal sarcasm on members of the government, of allusion to my course on the Catholic question, of crimination and recrimination, I will entirely pass by. I have no extracts of speeches to read, by way of retaliation for the scraps extracted from my own. I have very little confidence in my own infallibility, and as little in the infallibility of others. It would therefore be no gratification to me to divert the attention of the House from this, the most important practical subject it has yet had to decide; it would be no gratification to me to snatch from some of my opponents the petty triumph which they think they have gained over me, and by proving in return, by quotations from *Hansard's Debates*, or the *Mirror of Parliament*, that in the course of last year they entertained opinions different from those which they now hold.

We are now called upon to decide a great question of public policy. There are four courses which are open to us to pursue; at least there are four only that suggest themselves to my mind. You may adhere to the general principle of the existing law, and determine to maintain the Established Church in Ireland in the possession of its property. That is one course. You may assert that the property of the Church of Ireland is excessive, and attempt a final settlement of the question by determining the amount of the excess, discouraging all false expectations, by defining expressly the amount which you have determined to take from the Church, and declaring that the rest shall remain secure in its undisturbed possession. That is the second course. The third course you may take is, to proclaim to the world,—“We have no preference for one religion over another—we will mete out that full measure of justice which the hon. and learned member did not in direct terms call for, but to which the whole of his argument was directed—we will destroy the predominance of any one favoured religion, and either withhold endowments from all, or grant them to all indiscriminately and without a preference.” That is the third course. What is the fourth? The course which the noble lord, the member for Devonshire, proposes, the fatal course of superadding to religious dissensions the dissensions of conflicting pecuniary interests—of leaving nothing settled—of establishing nothing with respect to the amount or an assumed surplus—of laying down no principle, by which either the amount of application of that surplus can be determined—of contenting yourselves (and this you call a permanent settlement of the question!) with asserting an unprofitable right to apply an imaginary surplus to an unexplained purpose. I should have thought the wit of man could have devised nothing more effectual than this for adding to the confusion which prevails in Ireland. But I was mistaken. You have not only adopted the mis-

chievous course, but you have yourselves proved the folly of it. You have proposed one plan, and argued for another. You have attempted to prove that you ought to destroy the predominance of the Church, and you leave it with curtailed revenue indeed, but with predominance untouched. You shrink from acting on your own principles, you forget your own arguments, you invite us to take up a position which those arguments prove to be untenable. You tell the people of Ireland, not only that you will not determine the amount of the excess of the revenues of the Protestant Establishment in Ireland, but that you cannot indicate by what test it shall be decided. You leave it dependent on the will of any government—you leave it dependent on the discretion of any man; all you say is, that if there be a surplus, about which you are not certain, you will apply it to an object which you will not explain. Your attempts to modify your own resolution, and diminish its danger, only throw in new elements of confusion. If Protestantism increases, you reserve the right to make additional provision for the Protestant Establishment—that is to say, you tell the Roman Catholics that they shall have a direct pecuniary interest in preventing the increase of that party which has (in the words of hon. members opposite) exercised tyranny over them, that they shall have now an opportunity of revenging themselves for their past wrongs, by preventing the spread of that religion, through the extension of which their share in the public spoil will be diminished. Surely, Ireland is convulsed enough already—

“There hot and cold, and moist and dry,  
Contend alike for mastery.”

“But (turning towards Lord John Russell) you throw chaos in.” You, who professed yourself unable to determine this question until you got further information—you, who appointed commissioners, not to enquire into statistical details merely, but expressly into the bearings of the Church Establishment in Ireland upon the religious and moral welfare of the country, you would not wait till you received the report of your own commissioners—until you could arrange your own plan—until you could conduct the people of Ireland to the peaceable settlement of the question, by producing, not an indefinite principle, to be applied on a remote and uncertain contingency, but a matured plan, affixing limits to the application of your principle, and enforcing its just execution. And for what is this done? For the mere purpose of embarrassing a government, of throwing an impediment in the way, not of the final adoption—for that might be justifiable—but of the calm discussion of a measure proposed with the sanction of the Crown. What risk would you incur, what advantage would you lose, by placing your practical plan in competition with that of the government, and moving that plan in committee as an amendment upon ours?

I am prepared to assert the rights of the Church to the remnant of the revenue which is left to her. All that I now ask is, permission to state calmly the grounds upon which I come to that conclusion. In the first place, I entreat you to bear in mind that there are other parties who are looking to our decision with equal anxiety to that which the Roman Catholics take in the result of the question—I mean the Protestants of Ireland. I am not disposed to deny, that if you are clearly and decidedly of opinion that an imperative public interest requires the abandonment of a national compact, the violation of long prescription, the abrogation of laws affecting property,—I am not disposed to deny the abstract absolute right of the legislature to do all these things; but I do assert, that before you do them, before you violate a solemn compact, and falsify the expectations to which you have yourselves given rise, you ought to be convinced, by arguments approaching to demonstration, of that overpowering necessity which can alone be your vindication.

Within the last forty years, three great measures have been adopted affecting the relation of the Protestants of Ireland to their Roman Catholic fellow subjects. The first of these measures was the Act of Union, which differs in this respect from an ordinary law,—that it was a national compact, involving the conditions on which the Protestant parliament of Ireland resigned its independent existence. In that compact express provision is made, which, if any thing can have, has an obligation more binding than that of ordinary law. The hon. member for St. Alban's may endeavour to show, by reading resolutions and extracts from Mr. Pitt's speeches, that some right was reserved in the Act of Union of interfering with respect to the Church.

A right was reserved in that Act with respect to the removal of the civil disabilities of the Catholics, but no right was reserved to the united parliament to deal with the property of the Church in Ireland. Let any man read the act of Union, and if its meaning is to be decided by a reference to the plain ordinary sense of the terms, he cannot doubt what that meaning is. The act stipulates for the continuance and preservation of the Established Church as the Established Church of England and Ireland. There is, first, a stipulation that the doctrine, worship, discipline, and government of the united Church shall remain in full force and for ever. Here you will say there is nothing specific as to Ireland; no mention of Church revenues. There is not; but superadded to this stipulation is another, as binding, as solemn, and which, being superadded, implies some new guarantee; the guarantee, I contend, of temporal rights and possessions. It is as follows:—the “continuation and preservation of the said united Church as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union.” This is the first of the three measures to which I referred, as the outworks and defences of the Church in Ireland.

I come to the second. In 1829, the civil disabilities of the Roman Catholics were removed by the legislature, and the measure by which that object was effected partook also of the nature of a compact, as distinguished from an ordinary law. If that act is, as we feel it to be, irrevocable with respect to the privileges which it conferred upon Roman Catholics, it is also (unless some great and urgent necessity should arise to render a change necessary) irrevocable with respect to the assurances which it gave to Protestants. By that act, the Protestants of Ireland were led to believe that all intention to subvert the present Church Establishment settled by law within these realms was most solemnly disclaimed and utterly abandoned. They were assured, on the obligation of an oath, that no privilege which the act confers would be exercised to disturb or weaken the Protestant religion or the Protestant government within these realms. They were told that the removal of the civil disabilities of the Catholics would give new security to the Church in Ireland. They were told that the removal of those disabilities would fully redress the injustice of which the hon. and learned member for Dublin has just been complaining. They little thought that within five years from the passing of that act, the power which it conferred would be exercised to subvert the Church Establishment, so far as regards the property of the Church.

The third and last measure to which I have alluded as affecting the relation between Protestants and Roman Catholics in Ireland, and the immediate interests of the Established Church, was the act passed within the short period of two years, for the reduction of the number of bishops in Ireland, and the regulation of the temporalities of the Church. You determined, and in my opinion, wisely, to review the state of the Irish Church, and to remove every imperfection and abuse. You provided, and in my opinion wisely, that Ecclesiastical sinecures in Ireland should follow the fate of civil sinecures—that measures should be adopted to reduce the revenues of livings too amply provided for, and to apply the excess to the increase of livings, for which there was no adequate maintenance, and to the building of glebe houses. Those who introduced that act contended, at first, that the improved fund obtained by the conversion of bishops' leases into perpetuities might be applied to secular purposes; but the subsequent abandonment of that clause, and the whole remaining tenor of the act, clearly show that the principle of reserving ecclesiastical property for strictly ecclesiastical purposes was rigidly adhered to. Two years only have elapsed since the date of that act and now, notwithstanding the act of Union—notwithstanding the removal of the civil disabilities of the Catholics—notwithstanding the reform of the Irish Church—notwithstanding the extinction of ten bishoprics, the learned member for Dublin (Mr. O'Connell) tells you, that it is absolutely necessary that a proclamation should go forth to Ireland as the indication of a new system, and of the commencement of a new era.

The member for St. Alban's contends, that because we concurred in the propriety of removing abuses in the Church Establishment of Ireland, and consented to the entailment of livings too largely endowed, for the express purpose of supplying the deficiencies of others, we ourselves sanctioned the interference with the property of the Church, and are thereby now precluded from objecting to the application of that

property to secular purposes. He sees no distinction between the correction of an abuse for the express benefit of the Church, and the diversion of its revenues to other objects. The noble lord who introduced this motion declined entering upon the question of the inviolability of Church-property, thinking it involved long disputes, and that it was a Serbonian bog, in which whole armies of unfortunate logicians had sunk. I think the noble lord acted wisely in determining to skirt the bog. The member for St. Alban's however, said boldly that, notwithstanding the warning of the noble lord, he would plunge into the bog, and endeavour to reach the other side; and it is the ill-success of the hon. member which has determined me not to follow his example. I watched the course of the hon. member, and saw him, with great pain to himself, oppressed, no doubt, with the weight of his own arguments, floundering with Bacon in one hand, and four or five equal authorities in the other, in the middle of that bog, from which he never emerged whilst I remained in the House. I have no doubt, as I said before, that the cause of the hon. member's mishap was his being encumbered by the armour of his own ponderous arguments. If gentlemen will come down to discuss questions in this House, loaded (as the member for Shaftesbury (Mr. Poulter) professed himself to be) with all the hoarded wisdom that has been accumulating from the time of Noah to the very moment by the clock when he himself rose to speak, they must expect to meet the fate which has befallen the hon. member for St. Alban's, and to be engulfed in the same bog. What can be more absurd than to assert, that because we consent to make some specific improvement in the distribution of ecclesiastical property, for the admitted benefit of the Church, we are thereby compelled to assent to a proposal for applying that property to secular purposes? The Church, it is said, is not a corporation, but an aggregate of separate corporations, and if you touch one of them, you sanction the principle of control over Church-property, and the right to divert it to other purposes. This may sound logically correct, but appears to me practically absurd. What has been the course of the law with respect to this subject? On what principle do the first-fruits proceed? On what principle does the curates' act rest? In each case, there is interference with the separate corporations, with the revenues of the individual preferment; but it is absurd from thence to attempt to establish the general right to apply ecclesiastical property to secular purposes. I contend, then, that nothing but the strongest conviction of absolute necessity can justify us, in defiance of the act of Union, in defiance of the Catholic relief bill, and in defiance of the Church temporalities' act (and the understanding which prevailed in parliament at the time it was passed), in appropriating ecclesiastical property to other than ecclesiastical objects. It is wholly unnecessary for me to discuss the question, what, on the supposition of there being an immense surplus, injurious to the Church itself, I would do with it. I will not discuss a hypothetical case. Why should I be called upon to discuss a contingent and hypothetical case, when in my opinion there is no surplus at all? Do not, however, infer that I entertain an opinion in concurrence with yours, because I decline to discuss a contingent and hypothetical case. The practical question is quite sufficient to occupy our attention at this stage of the debate, and therefore I will avoid all superfluous discussion. The noble lord, the member for Devonshire, says, that the whole annual revenue of the Irish Church is £791,000. I assert, as positively, on the other side, that so far from the Church in Ireland having a clear revenue of £791,000, it has not £450,000. There is, you see, a great difference between us. Now, I ask the House of Commons whether it is just or wise to pronounce a decision with respect to the disposition of an assumed surplus, when so great a difference of opinion prevails as to the amount of revenue? Is it fair, I ask, to create a prejudice against the Church by the assumption of unfounded data? We are told that the perpetuity purchase fund will realize a capital of £3,000,000: I say, that it has not realized £60,000, that it is now in debt to the amount of £100,000, and from the information which I have received, I believe it never can realize much more than the third of £3,000,000. We are told that the annual revenue of the Church is £791,000: I assert that it is not more than £450,000, and then I ask you whether you will this night adopt a resolution pledging you to an appropriation of a surplus which has no existence, except in the imagination of the noble lord? I will ask the noble lord a question:—Has he made an estimate of the sum required for the purposes of

national education? I beg the House to observe that this is a very important point. Ought we to be called upon to lay down a rule with respect to the application of a surplus—ought we to bind ourselves to its application to one specific object in preference to, nay, in exclusion of, every other—without having some estimate of the sum which will be wanted for the purpose to which the appropriation is to be made? I wish the noble lord would endeavour to answer the following argument. The noble lord assumes that the revenue of the Church is £791,000, and proposes to appropriate a certain proportion of that sum to the purposes of education. I ask him what estimate he demands for those purposes? Does any man believe that £100,000 will be required annually for education? However, to prevent any cavilling, I will give the noble lord double that sum, namely, £200,000. I would, indeed, advise the House, before they encumber education in Ireland with an annual grant to such an amount, to acquire some information upon the subject; and well to consider what effect may result from such an application of money by discouraging local exertions, and drying up the sources of local contributions. But supposing the noble lord should require £200,000 annually for purposes of education, he would still leave the Church of Ireland, according to his own showing, in possession of a yearly revenue of £591,000. Now, observe, he claims no part of the Church revenue for any other object than education. His settlement, he says, is to be a final one. He excludes, therefore, every other object, and admits that the amount of revenue which he leaves to the Church is not too large. That amount is £591,000. But I will show that the Church has only a revenue of £450,000; that it has actually less by £140,000 than what the noble lord himself is willing to leave it, after his deductions for other objects. How can you then resist the conclusion, that, if my estimate of the future revenue of the Church be correct, you have a deficiency to supply, rather than a surplus to appropriate, and that you are wasting your time in an unprofitable and mischievous discussion? Still I do not ask you to decide against the question of Appropriation now; I only ask you to enquire before you decide, into a simple, surely an important, fact, whether the revenue with which you are about to deal, amounts to £791,000, or to £450,000. This matter is too important to be thus trifled with. You have a right to insist upon the noble lord's producing the grounds of his calculation and the details of his practical plan. That is the only course to prevent the exciting of extravagant hopes and subsequent disappointment. The noble lord's proposition will not give satisfaction to any party—neither to the people of this country, nor to the Protestants of Ireland, nor to the Roman Catholics. Why, then, should we, at this stage of the business, without waiting for the report of the commissioners appointed a few months since—a report to which I attach no importance, but which the noble lord must consider the foundation of his measure—why should we pledge the House of Commons to a resolution which is utterly unnecessary, and give a pledge which we may not be able to redeem?

You say, and you say with truth, that the Irish Church has not hitherto succeeded in effecting the great objects for which it was established. I wish to meet that question. I am prepared, I am anxious, to discuss it. I know there can be no advantage in concealing what constitutes the real stress and substance of the argument on which you mainly rely. I may fail in meeting that argument, but I have no wish to shrink from, or to misrepresent it. You say, then, that the Irish Protestant Establishment has failed in effecting the ends for which it was instituted; that there are not more than 1,000,000 of Protestants, while there are 6,000,000 of Roman Catholics; that the Protestants have not been on the increase; that the Roman Catholics still maintain the great ascendancy of numbers; and the Protestant establishment having thus failed in accomplishing its objects, you are now, therefore, at liberty to curtail its supposed excessive revenues. My answer is simply this:—if there have been causes in operation, up to a very recent period, which have prevented the growth and expansion of Protestantism, and if those causes have now ceased to exist, if they are no longer operative, you are not justified in arguing from the experience of the past; you are not justified in appropriating a surplus which might not be necessary for the wants of the establishment, if the past were to continue, but which, because that past is not to endure, may be now, or may become, necessary for the spiritual wants of the Irish people. We have, in the first place, removed all civil disabilities, and put Protestant and Catholic in circumstances of perfect equality as

to the possession of civil rights. It was one of the most forcible arguments against the existence of those civil disabilities, that, while they continued, a prejudice was unavoidably fostered against the reformed religion, and that an impediment of pride was necessarily opposed to conversion and conformity. There appeared to be a worldly interest in conforming to Protestantism, of which it shocked the feelings of the Roman Catholic to incur the odium. But that impediment has now been removed. Conformity brings with it no temporal or civil advantage; there is no obstacle, therefore, of pride to be overcome. Again, there were abuses in the Church, and an irregularity in the distribution of its revenues, which had also impeded the progress of its doctrines. I say, again, those abuses have ceased to exist, or, if they still continue, they shall cease to exist. The time has come when all abuses must be corrected—the time has come when parliament must insist on their correction. No one will vindicate the exact distribution of the ecclesiastical revenues of Ireland according to the mode hitherto adopted, provided you can show that another distribution for the same objects will be more serviceable and advantageous; there is no other limit to the principle of correction than that of applying Church revenues to ecclesiastical purposes. It is said, again, that the superfluous wealth of the establishment had been another cause which has obstructed the progress of reformation. Superfluous wealth indeed! The superfluous wealth of the starving clergy in the south of Ireland! You have already taken effectual measures to remove the obstacle of superfluous wealth to the progress of reformation. What a mockery! To talk of the trappings of luxury and indolent enjoyment among those who have been robbed of their property for the last four years! Is it possible that, in the inscrutable dispensations of Providence, the miseries which the clergy have endured, the extreme suffering they have undergone, but, above all, the patience and meek forbearance with which many of them had borne their wrongs, manifesting a determination for themselves and—what is a harder trial—for their families, to submit to privations from which your own meanest servants would shrink with indignation; is it possible that this training in the school of affliction—this public exhibition of undeserved wrong, may conciliate towards the sufferers, and towards the faith which they profess, a feeling of respect which may predispose the public mind to receive the salutary influence of a pure and tolerant religion? If, then, such be the case, if some of the causes which have prevented the spread of Protestantism have been removed, what right have you to legislate on the assumption of a surplus?

You are not now about to determine whether it be expedient to found a new establishment in Ireland—you are not about to determine how you will appropriate an unapplied revenue to religious purposes. The establishment is in existence. The revenues belong to it. How will you deal, let me ask, with the churches that now exist? You have already 1,100 churches for Protestant worship. Is it part of the noble lord's plan to abandon them? You have 800 or 900 glebe-houses. Under the Temporalities' bill, you have made provision for the increase of small livings and the building of new churches. How do you mean to deal with the existing state of things? You say it is your intention to encourage the Protestant landlord to reside on his estate. Shall the first spectacle you place before his eyes be the dilapidation and ruin of that church which should afford a sanctuary for himself and family? I do call upon the hon. member for Weymouth (Mr. Buxton) to lend me his attention for a moment to this part of the case—and to the last report made by the Commissioners acting under the Church Temporalities' Bill, who were appointed by the late government, and some of whom now preside over the Board of Education. To that report I entreat the attention of the hon. member, and of every hon. gentleman who professes not to consider this a party question—whose mind is not yet made up—who is willing to pause—[*interruption*].—Oh, yes! you, who make that exclamation, well know that there are many who are dissatisfied with the progress of this debate. [Cheers.] I understand you—there are many who are uneasy, who are unconvinced, who are not yet quite prepared to give the irrevocable pledge. ["No, no!" and cheers.] I call, then, on those whose minds are not yet made up—not to decide to night on the principle, but to wait for the practical plan by which that principle shall be carried into execution. [Loud cheers, and some interruption from the hon. member for St. Alban's.] Oh! I am not addressing myself to you; I have no hope of your conformity. I am addressing myself to those who have not taken quite so

prominent and conspicuous a part, and from whose position I infer that their minds may be less determined than yours. I call their attention to this last report, which was made to the government specifically on the subject of the demand for Protestant worship. The first name appended to it is that of the Archbishop of Dublin, and the report stated, "In connexion with the subject of churches, the commissioners cannot but express the satisfaction they feel in having to report to your excellency, that many applications have been made to them for aid towards the erection of additional churches, it appearing that the accommodation at present subsisting in those districts or parishes from which applications have been received, is quite insufficient for the congregations of the Established church. And while the commissioners have to mention that in many cases parishes have expressed their willingness to contribute, or cause to be contributed, certain proportions of the expenses required for building churches, in some cases amounting to one-fifth, in some to one-half, and in others to three-fourths of the sum required for the purpose—we cannot but regret to say, that our superfluous funds, which are only applicable to the objects under consideration, could hold out no prospect of the applications in question being favourably entertained." Now, it surely argues no indifference, no lukewarmness, on the part of the Protestant population, when parties are willing, after you have abolished the vestry-cess, to contribute one-half and even three-fourths of the expense required for the erection of additional places of Protestant worship.

Now, let me for a moment again address myself to the argument of the hon. member for Weymouth (Mr. Buxton), who disowned the question in the fair spirit in which it ought to be treated. Determined to maintain the Protestant Establishment, he thought that there was still an available surplus, and was prepared to appropriate it to some purpose of education, reserving a fund for the necessities of the Protestant religion, in case such necessities should hereafter arise. Now I differ from him in opinion with respect to this: I think that the necessity he contemplates now exists—that it is now necessary to appropriate the whole of the existing revenues of the Church to ecclesiastical purposes. The hon. gentleman says he would send through Ireland a number of Protestant clergymen, whose zeal should supply the place of wealth, and who, by the exercise of disinterestedness and exhibition of poverty, should conciliate towards themselves those feelings of kindness and respect which have been nearly extinguished by the noxious exhibitions of worldly wealth. It is because I totally differ from the hon. gentleman as to the policy of the course he recommends, and the probable effects of that policy, that I come to a different conclusion from him, as to our control over an available surplus, and that I hope, if I succeed in converting him to my views, I may even yet have the benefit of his vote. The plan suggested by the hon. member is that which has been unequivocally condemned in this debate by the noble lord (Lord John Russell), who maintained that nothing could be more fatal, in attempts to convert the Roman Catholic population than the exhibition of intemperate zeal. I entreat the hon. gentleman to remember also, that the policy of our establishment is essentially different from that of the Roman Catholic church. It may be possible for a man on whom celibacy is enjoined, to pass his hours in retirement, and, free from domestic cares, to devote his life to the unremitting discharge of the spiritual functions of his office: but we impose no restrictions of celibacy, we do not hold that the local influence of a religious and pious clergyman will be diminished, if he is also enabled to set the example of a strict performance of every domestic duty. I deny then, the justice of the hon. gentleman's argument; I think it is infinitely better to place a man of education in a fixed and permanent charge—to remove him from the temptation of poverty, to allot to him what may be sufficient for the decorous and independent maintenance of himself and family, and trust to the mild, beneficent, and assiduous discharge of his pastoral duties, and the exhibition of virtuous example in domestic life, as more likely to make an impression on hostile minds, than if we required, as part of our system, the possession of extraordinary virtues and extraordinary zeal—expecting, not in the case of a single individual, but, systematically, from all whom we may employ, that they should be able to resist all the temptations, and endure all the privations of poverty. The principle of our establishment is, in my opinion, a safer and a wiser one. When I look at the expensive course of education which must be pursued by a clergyman—when I look at the situation which he ought to sustain—the means

he ought to possess of influencing those who stand in at least as much need of his ministrations as the humbler members of his flock, those I mean, in a corresponding station in life to his own—I should deprecate, above all things, the encouragement of an extravagant zeal, and the exhibition of poverty, as the instruments of conversion, and the guarantee of moral habits in Ireland. If you admit this principle—if, looking to the education that must be had, and the acquirements that must be attained—looking to the life which a clergyman must lead—the dangers to which he and his family may, perhaps, be exposed—the absence in many parts of Ireland of all society which can be gratifying to the feelings and habits of an educated and intellectual man—the demands upon his charity—what, I ask you, is the sum which you think it would be fair and sufficient to provide for the maintenance in such circumstances of a Protestant clergyman and his family? You have now 1400 benefices in Ireland, 1100 churches, 1400 clergymen, and, in addition, 600 curates, to whom hitherto no reference has been made—how many of these do you propose to reduce? Do you think you can propose, without shocking the feelings of the Protestant population in Ireland, to remove 200 or 300 clergymen from the benefices which they now hold in that country? After making any reductions which you may propose, what sum, I again ask, will you provide as sufficient for the maintenance, in decent independence, of a Protestant clergyman and his family? I should object to any principle of division for the purpose of effecting an equalization of incomes; but if the sum you were to allot does not exceed £300 a-year for each clergyman, suppose it were equally distributed, does the hon. gentleman (Mr. Buxton) think that we are claiming too much, if, in the present state of things, we demand the application of the Church revenues to strictly ecclesiastical purposes?

I will now examine the argument adduced by the right hon. member for the town of Cambridge (Mr. Spring Rice), which seemed to make considerable impression on the House. The argument was this—that by the original endowment of the Irish Church there was a pecuniary charge on account of religious education, and that therefore there could be no injustice to that Church in the appropriation of some part of its revenues to the purposes of national education. Now, I deny the validity and application of that argument. After two days' debate—after a marked difference of opinion on principle between those who had taken a part in it, some contending that the surplus endowments of the Church might be applied to secular purposes, others denying that they could, the right hon. gentleman came down, at the close of the third night's debate, and declared, “There is not the slightest necessity for any difference of opinion between us on the point; I will prove that education is an ecclesiastical purpose, and put an end at once to the whole question in dispute on the authority of King Henry VIII.” But I hold in my hand a report made on education by an authority to which the hon. members opposite will, I have no doubt, be inclined to pay the utmost deference; that authority being no less than the right hon. gentleman (Mr. S. Rice) himself. The report was made so lately as the year 1828. It reviewed the whole of the previous reports on education—it embraced some twenty-three resolutions—it contained a specific reference to the Act of Henry VIII; but not one word is said in the whole of that report, from beginning to end, with respect to education being a pecuniary charge on the Church of Ireland. The right hon. gentleman neither proposed the application of Church revenues to defray the charge of education, nor was he then an advocate for gratuitous education. Now, you are about to decide that question also by your vote; you are about to decide, that education shall be gratuitous in Ireland. I ask you seriously to consider the importance of this principle. I ask you to pause before you sanction it. There are in my mind, the gravest and most serious grounds of doubt with respect to its propriety and expediency. I utterly deny the possibility of applying any such sum as £200,000 annually to education in Ireland without doing much more harm than good. Here is the right hon. gentleman's own report in 1828. I will not refer to it at any length, but the purport of it is to recommend the plan of the noble Lord (Stanley), which was adopted by the House of Commons; but not one word does it contain of the pecuniary charge which he now asserts rests on the Irish Church revenues for purposes of education. On the contrary, here is one of his own resolutions:—“That it is the opinion of this Committee that Parliamentary aid for the establishment and support of schools in Ireland should be for the future restricted in granting aid to parishes to two-



thirds of the sum required;" and then follow details of the manner in which the local assessment should be raised; the principal object being to invite individual contributions and assistance towards the erection and superintendence of the schools. This was a wise principle. It was not recommended by economy alone. It proclaimed the great truth, that those who hold property have duties attached to the possession of it, and are bound by local ties to attend to local interests. It established the best link between the rich and the poor. It gave to the rich an interest in the condition of the poor; it confirmed in the poor a feeling of respect and gratitude towards the rich. I do not hesitate to say, that even if you had the money to apply, you would do more harm than good, if you were to relieve the clergy and gentlemen of Ireland from the duty of paying that attention to local matters which those in England are accustomed to pay, from the necessity of local contributions, and local exertions in the cause of local education.

The right hon. gentleman asserts, that the Act of Henry VIII. established the principle, that the charge of education, the pecuniary charge, ought to be defrayed by taxation of the Church. Now I assert, as boldly as the right hon. gentleman asserted the contrary, that the object of the Act of Henry VIII. was, with regard to education, to recognise and confirm the principle of an Established church; and that the inference he has drawn from it, that confers a right to appropriate the surplus of Church revenue to general education, is directly at variance with the fact. The object of that Act was to confirm the progress of religious instruction by subjecting parochial schools to the superintendence of a resident clergyman. The Act expressly recites, that a knowledge of divine truths was essential to education; it was passed, after the declaration of the king's supremacy, after the annihilation, by law at least, of the power of the pope in Ireland. It required an oath to be administered to every clergyman to teach, or to cause to be taught, a school in each parish; thereby recognising and ratifying, in the strongest manner, the principle of an establishment, by stationing a minister in each parish, and placing the education of the parishioners under his charge. I assert, that the intention of the statute of Henry VIII. was not pecuniary contribution, but superintendence; and that is the point on which I am at issue with the right hon. gentleman. He maintained that the object of the act was contribution, and therefore he justified the application of ecclesiastical funds to the purposes of education. Now true it is, that, by subsequent practice, a yearly payment has been made by the clergymen of many parishes in which no school is kept. There is a pecuniary charge in lieu of the spiritual duty. But is there the slightest analogy between establishing, and now, if you please, enforcing that charge—between making each minister either keep a school within his benefice or contribute towards its maintenance, and transferring from the Church a large portion of its revenue, to be applied to a fund placed under other control than that of the Church, and applicable to some system of general education? My assertion, I repeat, is, that the object of the Act of Henry VIII. was superintendence, while the right hon. gentleman maintains that it was contribution. Now the right hon. gentleman had a great many small slips of paper, which he read with great effect in the course of his speech. He alluded to the Report of a Commission which we had appointed many years since, to which he attached the greatest importance, and which consisted of Mr. Frankland Lewis, Mr. Leslie Foster, Mr. Blake, a Roman Catholic gentleman, Mr. Glassford, and Mr. W. Grant, an English barrister; but amidst all the extracts which he adduced for the purpose of proving that the principle of contribution was established by the statute of Henry VIII. there was one, apparently a very material one, which somehow or other seems to have unluckily escaped his notice. Speaking of that very statute, and its bearing on this very subject, these commissioners, so deserving of all confidence, declare, "It is obvious to us that the intention of the statute of Henry VIII. was not pecuniary contribution, but superintendence; and that it did impose the latter duty. This Act, after reciting, among other things, 'the importance of a good instruction in the most blessed laws of Almighty God,' and further reciting his Majesty's disposition and zeal that 'a certain direction and order be had, that all we, his subjects, should the better know God, and do that thing that might in time be, and redound to our wealth, quiet, and commodity,' proceeds, after a variety of enactments tending to the suppression of the Irish and the introduction of the English language

and customs, to require an oath to be administered to every clergyman at ordination, and another at institution, that, amongst other things, 'he should keep, or cause to be kept, within the place, territory, or parish where he shall have pre-eminence, rule, benefice, or promotion, a school for to learn English, if any children of his parish come to him to learn the same, taking for the keeping of the same school such convenient stipend or salary as in the said land is accustomed to be given.' What, then, becomes of the argument that the Act of Henry VIII. and the whole tenor of subsequent statutes, authorized the application of the ecclesiastical revenues in Ireland to general instruction unconnected with that Church? The argument is wholly without foundation; and the whole history and tenor of the statutes show that, so far from being at variance with the principle of an establishment, or authorizing the application of ecclesiastical revenues to the purposes of mere general instruction, unconnected with the Established Church, their object was to connect education with the Church, and fortify the principle of an establishment. I myself brought in an Act for the regulation of diocesan schools, which expressly provided for the support of a school in each diocese, to which school the clergy were bound to contribute. If I had sought for a pretext for supporting the noble lord's resolution, on account of that Act, so introduced by me, if I had contended that I was at liberty to carry into execution the principle of the resolution, because I had enforced by laws contributions towards a diocesan school, from the clergy of each diocese, with what a burst of laughter would such reasoning have been received? As to the application of the supposed surplus revenues, I entreat you, from the interest you take in education, not to decide that question at present. If you had the surplus you suppose, nothing could be so unwise as to pledge yourselves to-night on this point. It excludes all after consideration whether education shall be gratuitous or stipendiary. I bring you very great authorities against the principle of gratuitous education. This very commission, to which I have already alluded, whose opinions the right hon gentleman so highly values, and whose authority he ought to appreciate, this very commission states,—“We had in the course of our inspection, been much struck with the state of many schools in which the pupils paid for the instruction they received, and in which there appeared to be perfect harmony amongst children of all persuasions. These schools were carried on as objects of private speculation, and not supported either by public funds, or by the aid of societies. Each child was taught the religion which its parents wished it to learn.” You are assuming that no education at all exists in Ireland, while there never was a country in which there existed more superabundant means of education. This commission again states,—“As to the funds for the maintenance of the new parochial schools, we recommended that they shall be derived partly from the State, partly from parochial assessments, and partly from payment by the pupils. Looking to the results of our own personal examination into schools of all descriptions, to the practical effects of the system so long and so beneficially in operation in Scotland, we are satisfied, that the schools should be founded on the principle of pay-schools, and that the payment should go to the master and the usher. At what sum the rate of payment should be fixed, must depend upon local circumstances. By appointing in certain situations a higher rate of contribution, a most eligible class of schools may readily be provided, with instruction suitable to a better description of persons. Although in all cases, payment by each scholar should be the rule, we recommend that there should be lodged in certain individuals a power of dispensing with the payment, and of admitting, as an exception, certain free scholars. Payment, however, should be the rule, and gratuitous instruction, the exception.” Observe, these recommendations in favour of pay-schools are given, not to save public money, but because the principle of pay-schools is preferred to that of gratuitous education. Now, is it not prudent to inquire, before you affirm the principle that a portion of church revenue should be applied, should be limited also to a given object—What is the amount which that object will require? I complain that you can form no sort of estimate on that subject. You are in utter ignorance respecting it. You don't know the amount of the surplus; you don't know the extent of the demands on it. I charge you with the absurdity of coming to a resolution, without the shadow of a ground on which to form any thing like a rational opinion. The noble lord says, there is a revenue of £791,000;

I say you have not above £450,000, and if you apply the surplus on which the noble lord calculates, to the object to which he expressly confines it, you run great risk of defeating that object. Do I ask that you should abandon any principle? No; but that you should take time carefully to mature your opinion, and thereby prevent unreasonable expectations from being entertained, and pledges from being prematurely and unwisely given. If you will sanction that principle, to which I will not consent—the application of church revenues to other than ecclesiastical purposes—let it be sanctioned with due deliberation. Do not defeat your own public object, for the mere purpose of pressing a motion which you think may be inconvenient to government. The noble lord (Lord John Russell) proposes, if this proposition is acceded to, to move a certain resolution in the committee. The noble lord is not very clear as to the principle by which he is himself guided. On Friday he announced the resolution to this effect:—"That the House should resolve itself into a committee for the purpose of considering the expediency of applying any surplus revenue of the church of Ireland, not required for the erection and repair of churches, or for the maintenance of the clerical members of the church, to the religious and moral instruction of all classes of Christians." Now, I hold that this involves the principle of providing for the endowment of the Roman Catholic clergy. ["Hear, hear," and "No, no, no."] Then why have you altered it? Between Friday and Monday, it was altered to this form:—"That this House resolve itself into a committee of the whole House, in order to consider the present state of the church establishment in Ireland, with the view of applying any surplus of the revenues not required for the spiritual care of its members, to the general education of all classes of the people, without distinction of religious persuasion." I cannot, of course, dive into the noble lord's mind, and ascertain the motives by which he is influenced: I speak only of his acts. Those acts, and the whole course of the debate, show that my construction is the proper one. All your speeches and arguments contribute to that construction. You may attempt as you please to fill over the gulf which separates the noble lord and some of those by whom he is supported; but you are only deceiving yourselves. The people of Ireland will read your speeches and arguments, in which the Protestant Establishment is described as a nuisance and a badge of conquest, and they will laugh at your resolution, and your frivolous attempts to limit your new principle of appropriation, by reference to the acts of Henry VIII., and declarations that education, unconnected with the Church, is an Ecclesiastical purpose. Talk of this as the settlement of the question! What have been the arguments by which the resolution was supported? Let us shortly review them:—the noble lord, the member for Devonshire, said, on introducing the resolution,—"I am one of those fully concurring in the defence set up last year by one of our prelates, that an establishment tends to promote religion, to maintain good order; and I further agree with him as to the fact that it is agreeable to the sentiments of the majority of the people of this part of the empire. But, as a friend of the United Kingdom, I call upon you to consider whether, with respect to the Church of Ireland, you can set up the same defence? Does it tend to promote religion, or to maintain good order?" But that Church is still to be maintained in all its efficiency.—["No, no."]—What, is the efficiency of the Church to be impaired? I thought you affected the most pious care for its efficiency, and that you were anxious to curtail its superfluous wealth in order to promote the efficiency of the Church. The seconder of the noble lord's resolution (the hon. member for St. Alban's) asks this question:—"How, then, could a Church which was not submitted to, or joined through the force of reason and argument, be considered by the people as anything but a badge of conquest, forced on them by a superior power, which it was but natural they should determine to throw off at the first favourable opportunity?" and he adds,—take the Protestant states, take Catholic ones, take America, or France, or Scotland, or even the North of Ireland itself, and it would be found, in every instance, that the remuneration which the clergy received was always proportioned to the religious services which they performed for the people. In Ireland alone this relation was departed from; and never, until they established that relation upon its proper footing, until they reverted, in fact, to the principles of common sense, could they succeed in governing that country with credit or satisfaction." Yes; but if you appeal to this as a principle of common sense;

if common sense requires that the remuneration of the clergy should be in proportion to religious service, without reference to the doctrines inculcated, or the faith held; and if you then move a resolution in which a different practice is adhered to—in which you state that the Church of the minority shall be maintained—in which you recognise it as a favoured establishment, how can you insult our common sense by saying that you regard this as a permanent settlement? The noble lord opposite, of whose abilities I have a high opinion, and whose eminence in debate I have long since prophesied, has made some observations to which I will next advert. The Lord Howick said—but I am really so unfeignedly anxious to avoid exciting any animosities connected with religion in the course of my address, that I shall not read the extract now in my hand. It is not, indeed, material to my present argument: I will pass on to another defender of the resolution, Mr. Charles Wood. He asks,—“Where could they find any country, under any system of Church establishments, be they Catholic or Protestant, where a rich Church with a small congregation was maintained at the expense of an overwhelming majority belonging to a different persuasion? But their feelings were no less outraged than their property was taxed, in the maintenance of one Church established by law, and in support of another to which ministry they contributed through inclination. What, he would ask, would be their feelings if two such establishments were supported at the expense of the people of England? Would they not be filled with a just indignation at such an unwarrantable infliction upon their consciences and resources? and could they expect that when they, with all their superior notions of what was just and lawful, were unwilling to submit to the hardship, that the ignorant peasantry of Ireland should not give way to violence and outrage when such a system was attempted to be forced upon them?” The member for Shaftesbury (Mr. Poulter) says,—“No length of time, no lapse of ages, should prevent his hearty concurrence in an effort to redress a great national iniquity. No appeal to the rights of property, beyond existing laws, can ever be maintained where such rights were never united with the real and religious interests of a nation. In such a case no prescription can be urged against the cries of a people, and the voice of the people becomes the voice of God. It may be admitted that any change in long-established things is an evil, and that nothing can justify it but the most powerful necessity. If the peace and prosperity of Ireland be essential to the welfare of the empire, such a necessity has now arisen.” Now, then, I ask you whether, if this resolution, supported by those arguments, can possibly lay the foundation of a final settlement? But it is most important that such a settlement should be made. You impose this charge upon the landlord. Ay, but the amount is to be recovered from a Catholic peasantry! Do not suppose that you are blinding the eyes of the people. They are more clear-sighted than you imagine. They see, and feel, and know that your arguments do not correspond with your resolution. A stronger, a truer, an honest declaration would be better. This resolution may have the advantage of enabling you to act together for this night; but you act on different principles, and with different views, to the furtherance of which you severally look, though you are agreeing in common to-night on a vague and general resolution. You are well aware that this can be no final settlement; that this first deduction from church revenues will only be accepted as an instalment of that whole amount which is held in contemplation. You have laid to my charge, in the course of debate, that I have lagged behind public opinion, and kept in the rear of improvement. But your course is still more absurd; you lag behind your own arguments, and keep far in the rear of your own conclusions. You shoot an arrow, and do not seek for it in the place where you know it is to be found. A word on the charge of being in the rear of public opinion. It is the common accusation against those who value and adhere to ancient institutions. It presumes that it is the duty of a public man to be eternally unsettling the laws and usages under which his country is governed, to be speculating what change will next be required by public opinion; not to wait till the direction and intensity of that opinion be ascertained, but to anticipate it by voluntary and uncalled for innovation. This may sound very plausible and very philosophical; but the result will be, the entire unsettlement not only of the institutions, but of the mind of the country; the introduction of a vague, pru-

riant love of change for the sake of change, precluding all rational and sober inquiry into the effects of such change. Surely, if an ancient principle must be abandoned, the new principle ought to be a secure one. If a new position must be taken, it ought to be capable of defence. But you take one which not only is indefensible, but which you prove to be so,—against which your own batteries are directed with a resistless fire. I see the applauding smile of the hon. member for Middlesex; he is too shrewd to be deluded by this resolution; he is not to be deceived or misled by the soft tale of the hon. gentlemen near him, who declare that, loving in their hearts the protestant establishment, they yet support this measure. He votes for this resolution knowing perfectly well the conclusion to which it must lead. He will soon find out, with me, that education would only be encumbered and impeded by this contemplated grant. A good pretext will not be wanting. Then will the hon. member once more triumphantly bring forward his resolutions of 1824. Why should the hon. member not force his propositions on you? I have no doubt that he will. I am now looking into the womb of futurity, and am as certain of what it will produce as I am of anything in the history of the past. I feel as certain as that I am now standing here, that the hon. member is too manly not to declare that he is not satisfied with this principle. He does not, in this measure, meditate a final settlement. You cannot meditate it either. I therefore will not consent to appropriate this property, which is ecclesiastical, and connected with the Protestant establishment, to other purposes than those of that establishment. I will not assent to your resolution, because I know how worthless and delusive it is; because I know that it is a measure which sends into Ireland, not peace, but a sword. It will excite in that unhappy country false hopes—hopes which you cannot realise, and yet hopes that you will shrink from disappointing. It will unsettle those foundations of property which are built upon prescription, and which are more secure than those on which you are erecting your new system of spoliation. I give the noble lord fair notice that I shall oppose his motion for going into committee, and that, in committee, I shall oppose his resolution; and, lastly, that I shall oppose with all my strength the communication of that resolution to his Majesty. I say I will oppose the communication of that resolution to the king, and I will oppose it on these grounds:—the course is novel and unprecedented, it is unnecessary for the purposes it professes. It wears all the appearance of an intention to pass by the House of Lords. If you think that course the most advisable, take it openly—take it honestly. Let us fight the battle manfully, on distinct and avowed grounds. But let us not first have a shallow, delusive resolution, and then as shallow and delusive an appearance of passing by the House of Lords. Every one who heard the noble lord's declaration, those, especially, who cheered it, thought the threatened address to the king was meant as a slight upon the House of Lords—as an intimation that the assent of the Lords to the resolution was not worth asking for. But the noble lord means no such thing in reality; he means, as a mere matter of preliminary form, to ask the king's consent, not to a legislative measure, but to the discussion and consideration of a subject in which certain rights of the Crown are concerned. But why is it that the noble lord and his friends have not brought in a bill? Are they uncertain of their plan? Are they ashamed of presenting, in the ordinary course, the result of their calm, and solemn, and mature deliberation? Do they shrink from producing that detailed plan which they have so deeply and anxiously considered? Is this a course worthy of the noble lord? The king will resign certain rights by this bill; and it is necessary for him to signify formally, some time in the course of the proceeding, his assent, which at all times was wont to be done by the minister in a modest manner, without any parade, and without the excitement of the least interest. But now the noble lord, without assigning any reason for a line of conduct so unprecedented and so inconvenient, insists on the immediate communication to his Majesty, and this, not for the purpose of avoiding the necessity of further measures of superseding a bill; but, simply, that a formal intimation of the king's pleasure respecting certain of his rights, affected by this motion, may be received with all possible publicity, and that some of the supporters of the noble lord may cherish the delusion that this course implies a slight to the House of Lords. I do not think the House will join the noble lord in this unbecoming enterprise. I, at least, for one will never be a party to it. But, suppose the resolution agreed to, by whom is it to

be communicated to his Majesty? I hope there will be a nice and cautious selection. Instead of encumbering the Throne by the attendance of the whole House, or of any large part of it, why should you not send a deputation? It is the prevailing fashion. Why not send a deputation of three? I will name it for you. I beg to suggest that the noble lord, the hon. member for Middlesex, and the hon. and learned member for the city of Dublin, should be the three members to approach the Throne with this resolution. Surely the noble lord ought to thank me for the felicity, as they say, of this suggestion. Here we have the representatives of the three kingdoms—an Englishman, an Irishman, and a Scotelman. [hear, hear, and laughter]; and, moreover, the representatives of the three parties which follow the noble leader in this House. It is not for me to anticipate the answer of the Crown on the address so presented. A formal answer must necessarily be returned to any communication from this House to the Crown; but, if it were possible for his Majesty to speak the plain truth, I could suggest an answer which would be very appropriate, though, possibly, very unpalatable. His Majesty might say to the noble lord,—“You, last year, were one of my confidential advisers: on your advice, I issued a Commission of Inquiry, which was to collect information in Ireland. You told us that inquiry was an essential preliminary to any actual proceeding—that matters were not ripe for legislation—that you could not appropriate a surplus, without having first ascertained its existence—that pledges as to contingent appropriation were most unwise. How can you, who were a party to this advice, now ask me, in the absence of all information, the inquiry being yet incomplete, to give that pledge, which last year, you deprecated as precipitate and unwise?” So much for the answer to the noble lord. The member for Dublin, Mr. O’Connell, would then present himself; and to him it might be said by his Majesty,—“I have not forgotten the speech which I delivered from the Throne, on the advice of Lord John Russell, in the year 1834. On that solemn occasion, I observed, ‘that I had seen with feelings of deep regret and just indignation the continuance of attempts to excite the people of Ireland to demand a repeal of the Legislative Union. This bond of our national strength and safety I have already declared my fixed and unalterable resolution, under the blessing of Divine Providence, to maintain inviolate by all the means in my power. In support of this determination, I cannot doubt the zealous and effectual co-operation of my parliament and my people.’” His Majesty might then remark to the learned gentleman, that this passage, which so strenuously declares the determination to support the Union between the countries, guarantees the security of the Church; and the Protestant Church being guaranteed by the Act of Union, his Majesty would not be maintaining the Union inviolate, if he consented to violate that Protestant Established Church, which was an essential and fundamental part of it. I believe the prospect of such answers—not formal, perhaps, and according to precedent, but warranted by facts, and consistent with truth—would disincite the noble lord to form part of the deputation which should be charged with the duty of presenting the resolution to the king.

This House has yet the power, consistently with the full adherence to its principles, to refuse to enter into this resolution. I tell you beforehand, I will not be the party to give it effect. I will not be a party to any appropriation of the revenue of the Church to other than ecclesiastical purposes. You differ with me—I address myself to the hon. gentlemen on the other side;—but I say that, consistently with the exercise of that different opinion, you may refuse to enter into this discussion at this time, and under these peculiar circumstances. The noble lord has given us the opportunity of uniting in our vote, though we may differ as to the principle. If you agree with me in a desire to defer this important question, you sacrifice nothing—you only decline asserting a general principle, without having laid before you the particular plan by which it is proposed to calculate it. For myself, I vote against the committee on principle; but if you, differing with me on principle, vote against this motion, you may do it with a distinct reserve, that, at the proper time, you will enforce your own principle, and reject mine. You have confidence in that principle. If it be worthy of that confidence, it must be capable of execution. It can only be executed by detailed enactments, embodied into a bill. I will give every facility for this; I will, without opposition, let you bring in a bill, let it be read a first time, and postpone the discussion until after Easter. I was showing a mode by which, without any unworthy concession, you might have got rid of the difficulty under

which I am convinced the majority of you must be labouring. I am suggesting that which is the natural and the ordinary course. It saves you from the risk of great eventual embarrassment. It enables you to dispense with the immediate decision on questions the most important, which you have very imperfectly considered. You will thus have an opportunity of deliberating and deciding whether your system of education in Ireland shall be gratuitous or stipendiary, or in what degree the two principles shall be combined. You will also have the opportunity of acquiring accurate information respecting the revenues of the Irish Church which, allow me to observe, respectfully but firmly, it is your duty to obtain before you attempt to legislate on the subject. There is a difference to the amount of £340,000 annually between the noble lord and myself. He positively asserts that the amount of church revenue is £791,000, and I as positively declare that I believe it to be under £450,000. I say, then, that it would be but justice to the Church to ascertain, beyond all possibility of dispute, which of us is correct in his calculation, or what is the extent of our respective errors. By postponing your resolutions until the committee on the bill, you will have the advantage of the report of the commissioners, to which great importance is attributed by the hon. members opposite. I ask you, then, to concur with me in relieving the noble lord himself from the great practical difficulty in which he is placed. No man will more rejoice than the noble lord if you will but be good enough to obey my voice and come to the rescue. He has been brought into his present unfortunate situation by the advice of indiscreet friends. He did not give notice of this motion. The hon. member for St. Alban's stood originally the sponsor to it. The noble lord was obliged to take it out of his hands, and yet was conscious of his own want of information. He asked, first, for the whole report of his own commission; then for a partial report; but could obtain neither, for neither was forthcoming. He courted delay; but time pressed: he was obliged to go on. He saw the expediency and the good policy of waiting for information; but he was compelled to yield to the pressure not "from without," but from behind. I am convinced that you will be conferring a favour upon the noble lord by entreating him to withdraw his motion. I have no objection that he should withdraw it—to withdraw it until he can produce some practical plan for our consideration, some plan in which you can concur. Let us, then, unite in endeavouring to rescue the noble lord from the situation in which he is placed, and refrain from interrupting that approaching happiness which his opponents wish him as cordially as his friends. The hon. member for Weymouth, in the course of his speech, told you that where there were differences of opinion there should be inquiry. Are you, then, prepared, in defiance of his authority, to proceed without inquiry? Will you not wait until you receive that information which you are led to believe will enable you to act consistently with your present views, and to act without the shadow of an imputation on your conduct? Let us not, then, enter into any hasty decision, which may preclude us from the possibility of a satisfactory final settlement.

You may insist on your present resolution—you may succeed in forcing it upon us: I shall not have to wish you joy of your triumph. It may, probably enable you to embarrass the future progress of the administration; it may be the token of approaching victory: but still do not be too confident. Let me, in the moment of your pride, in the buoyancy of your exultations, usurp the functions of that unpalatable but not unfriendly office which, in former times, was assigned to a slave, but which may be assumed by a freeman without derogation from his character. You boast that you exercise complete control over the executive government of the country: but let me whisper in your ear, that, though triumphant here, the power that you exercise does not act without these walls with that intensity with which it operates within. The duty I have voluntarily assumed compels me to place before a triumphant conqueror the vanity of human wishes, and the instability of mortal triumphs, but yet I must not shrink from it; and I tell you, that, notwithstanding your vaunted majorities, you do not control public opinion. Yes, there is a public opinion, which exists independently of elective franchises, which votes cannot inspire, which majorities cannot control, but which is an essential instrument of executive government. It will yield obedience to law; but, if there be not confidence in the decisions of this House, law itself will lose half its authority. That public opinion will impose on you the necessity of taking a direct and open course. The people of England will

not sanction attempts to throw unfair obstacles in the way of the executive government. They would sanction a direct vote of want of confidence, so far, at least, as to consider it a legitimate and constitutional act of hostility. Why have you not the manliness to propose it? Why do you implore me to undertake the settlement of this question on your principles? You are confident in your strength: let me ask you, are you competent to undertake the government? If you are, undertake it. If you are not, why do you embarrass us? I will not enforce your resolution. I will give you notice of the course that I mean to pursue. I shall oppose your motion for a committee. I shall oppose your resolution in committee, and, above all things, and most strenuously, I shall oppose your communication of that resolution to his Majesty. I shall adhere to the principles of my own measure. Such is the necessity for the settlement of the tithe question, that it will admit of no further delay. I shall press it forward; and if you signify an intention of continuous opposition,—if your determination to throw unusual impediments in the way of the government be plainly indicated,—if I find I shall not be able to proceed with the immediate settlement of this question,—I shall then acknowledge that the time has arrived when it will not be possible for me, consistently with my sense of the duty and the honour of a public man, to remain in the situation which I at present hold.

\* Lord John Russell having replied, the House divided, and the motion was carried by 322 to 289; majority, 33.

APRIL 3, 1835.

The House having resolved itself into a Committee of the whole House on the state of the Irish Church—

Lord John Russell moved, “That it is the opinion of this committee that any surplus which may remain, after fully providing for the spiritual instruction of the members of the Established Church in Ireland, ought to be applied, locally, to the general education of all classes of Christians.”

After a long and stormy debate, Colonel Sibthorp moved, that the chairman do leave the chair.

SIR ROBERT PEEL said, it may appear to some desirable to come to a decision on this important subject to-night; but there are others who wished to be heard before the question now under consideration is finally disposed of. An immediate decision may, I admit, be approved of by a majority of those now present; but I must put it to the House whether it is not due to the constituencies of the hon. members who still wish to speak, to allow them an opportunity of obtaining a hearing? I have no doubt that it is the anxious desire of many of the constituent bodies throughout the country, that their representatives should express their sentiments on this important occasion; and I can answer that it is the wish of an hon. friend of mine, who is not now in his place, to have an opportunity of delivering his opinions before this debate closes. As far as I am personally concerned, I could wish that the proceedings on this resolution should terminate to-night, but, seeing that there are not now present more than half the number of members who voted last night, I think it would not be quite fair to come to a decision in their absence, especially as many of them have gone away under the impression that they would be allowed an opportunity of declaring their sentiments. Considering, however, that this debate has lasted five nights, I must acknowledge—and in this I think the House will agree with me—that we have heard quite enough upon the subject; but still, as it is desirable that we should, if possible, attach confidence in our decision, I think it only right that every one who may wish to speak should be allowed a fair hearing. I do not mean by this to express any opinion, but merely to offer my advice; and although I am free to admit that it would be more convenient to come to a decision at once, I still think, upon the whole, we will best consult the general wish by allowing all parties fair play.

In reply to a remark by Mr. O'Dwyer—

Sir Robert Peel would leave it to the candour of the hon. member whether, after what he had then said, he should not vote with him for the adjournment. The hon. member asked if he (Sir R. Peel) had ever known an instance, where a debate had been protracted to four nights, in which a debate was adjourned in consequence of a wish expressed by members to deliver their opinions. [Mr. O'Dwyer: After the



majority had been fully ascertained.] There was a motion brought forward last year for the repeal of the Legislative Union, in which the number on the one side was 43 ; and on the other side 400 odd (he forgot the exact number) ; but it was in consequence of the wish of that small minority to deliver their sentiments, that the House consented again to adjourn the motion. In that case he believed, too, that the majority was pretty well ascertained when the motion was agreed to. After this instance, he hoped that the hon. gentleman would justify the confidence he had in him, by voting for the motion of adjournment.

Lord John Russell was understood to say, that if the right hon. baronet would agree to permit the debate to be resumed before the Orders of the Day were taken on Monday, he would not any longer oppose the adjournment.

Sir Robert Peel reminded the noble lord, that he (Sir R. Peel) had said, at the commencement of the evening, that he hoped the debate would close to-night, and, as far as he was personally concerned, he should be satisfied if it were so. Although he thought that the postponement of the Orders of the Day fixed for Monday, might be attended with public inconvenience, he had no objection to acquiesce in the proposal of the noble lord.

The House resumed, the chairman reported progress, and the committee to sit again on Monday.

APRIL 7, 1835.

Mr. Bernal brought up the Report of the Committee of the whole House on the Established Church of Ireland, which was read. On the question that it be read a second time,—

SIR ROBERT PEEL said: This, I apprehend, is the main resolution which we shall be called upon to vote; it is, in fact, exactly the same that was adopted last night. As there is no rational ground to suppose that the change from a committee where it was carried, to the whole House where it is to be confirmed, will make any difference in the view taken of the question, the noble lord will not infer the slightest alteration of opinion in those who resisted the resolution last night, if we do not now think it necessary to press the question to a division. The reason why we do not, is because the noble lord has given notice of another motion, the purport of which, we have been informed, will be that this House will not consent to any Tithe Bill, of which the principle of the resolution does not form a part. Upon that I shall certainly take the sense of the House, which will preclude the necessity of wasting time upon the resolution just read.

Report read a second time.

Lord John Russell then proposed, “That it is the opinion of this House, that no measure upon the subject of tithes in Ireland, can lead to a satisfactory and final adjustment, which does not embody the principle contained in the foregoing resolution.”

Sir Robert Peel did not know that he should have felt it necessary to say a word upon this occasion, if, during almost the whole of the debate which had taken place that evening, it had not been assumed that the House was again discussing precisely the same question that had formed the subject of six previous nights' debate. He, however, apprehended that the question which had formed the subject of discussion during those six nights, was, at an early period of the present evening, disposed of. The House having last night affirmed the resolution of the noble lord in committee, he, that evening, on the resolution being reported, considering that there was no probability that any variance of opinion would be expressed by the House from that which it had expressed in committee, permitted the report to pass without discussion and without a division. But the resolution which the House was now called upon to affirm was this:—“That no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the foregoing resolution.” He had great objection to the form of the present resolution, and to the precedent which it would establish—a precedent perfectly novel, and with respect to which the noble lord himself must have entertained great doubts, since it was an entire departure from the course which he originally gave notice it was his intention to pursue. [Cheers.] The noble lord, in the first instance, said, that if the House of Commons affirmed his resolution, he would notify that fact to the Crown

by address, in order to enable him to proceed with a bill. What did he now propose to do? He had passed his resolution: he proposed to make no communication to the Crown, he proposed to make no communication to the House of Lords, but he did propose that the House of Commons should inform itself that it had passed the resolution, and that it would hereafter be irrevocably bound by it. [Cheers.] The noble lord now called upon the House to declare, that no measure which should not embody the principle of a certain resolution could lead to a satisfactory settlement of the tithe question. He objected to that proposition. He thought it would be most unwise in the House to declare beforehand, that one single measure could alone lead to a final and satisfactory result. [Hear, hear.] Those who approved of the resolution originally moved by the noble lord, were perfectly at liberty to object to his present proposition. [Hear, hear.] A majority of the House—a majority of 25—had affirmed a certain resolution, against which a minority of 289 protested, independently of those who paired off, making altogether a minority of about 300 members. The noble lord now called upon the House again to affirm the principle of that resolution in a still more binding manner—to declare that all further discussion was unnecessary—that no proceedings in committee on the Tithe Bill needed to be listened to—that there was but one measure which could effect a final and satisfactory settlement of the tithe question, and that was the measure to which a small majority of the House had agreed. He (Sir Robert Peel) did not hesitate to denounce this proceeding as the tyrannical act of a majority [vehement cheering for some minutes]; the tyrannical act of a majority, by a proceeding of a perfectly novel nature—a proceeding for which no precedent could be found, precluding the necessity of further discussion, closing the opportunities of new arguments; resolving that they would not be convinced, binding themselves by an unnecessary pledge to maintain, under all circumstances, a certain opinion. This course of proceeding was unwise in itself, besides establishing a dangerous precedent. [Hear.] What was the resolution which the noble lord called upon the House to affirm? It was, that if there should be a surplus of church revenue, it should be appropriated to one single specific purpose, to the exclusion of all other objects. The House had already recorded its opinion—it had had it in its power to wait for the report of the Committee on Public Instruction, and it would be perfectly consistent even in those who thought that the surplus ought to be appropriated in the manner proposed in the noble lord's resolution, to wait until this House could avail themselves of information which would be contained in the report of the Commissioners, and thus avoid making the precipitate pledge which was now demanded from them. [Hear, hear.] The noble lord himself had that night, with singular candour, told the House, that he could not bring forward any detailed plan for the enforcement of his own principle, until he had seen and considered the report of the Commissioners. [Loud cheers.] Would the House of Commons, then, adopt a course of proceeding by which it would preclude itself from profiting by the information which must be contained in the report of the Commissioners? Would they adopt the novel course of pledging themselves irrevocably to a principle—of prophesying that one thing, and one thing only, could lead to a final and satisfactory settlement? The adoption of the resolution now before the House would cut off all chance of that which was sometimes absolutely necessary for the wisest and most infallible in the conduct of human affairs—namely, all possibility of compromise. Occasions sometimes occurred in which it was necessary for one branch of the legislature to modify its opinions, for the purpose of effecting an amicable agreement with another branch on some great public question; but now it was proposed, that one of the three branches of the legislature should, without waiting for the result of inquiries, which are acknowledged to be essential to the formation of any plan, declare, that they would adhere to a principle which they had laid down, and listen to no compromise whatever. [Hear, hear!] If that course were adopted, the public men who were parties to it would be bound up from acting on the possible necessities of the future—the House of Commons would be cut off from the exercise of a free judgment—from the means of wise and honourable compromise, and would establish a precedent for insisting on the execution of its own designs, even before those designs had been moulded into the shape of a legislative enactment. [Hear, hear!] What was the object of all this precipitation? If there was a majority sufficient to

carry the resolution, it must be sufficient to enforce the principle of that resolution hereafter. Why, then, not wait for the committee on the Tithe Bill? Was not the conduct of the Opposition, in fact, a practical declaration to the people of England to this effect:—"We have confidence in our resolution, but we have no confidence in ourselves?" [Loud and continued cheering.] It seemed necessary for the parties to this proceeding to swear eternal friendship upon their resolution. For two months, they had been attempting to discover a common bond, by which they could unite themselves in opposition to the king's government; at length they discovered one, and so anxious were they in all times of future difficulty and embarrassment, to adhere to it with desperate fidelity, that they were afraid to trust their own discretion—they were afraid to trust in the permanence of their new alliance—they were afraid to trust their own perseverance in their own opinion, but they proposed, by a novel course, to bind themselves to each other, not to dissolve their only tie. [Great cheering.] He objected to the precedent it was proposed to establish, which was one which any majority hereafter might follow. Henceforth, it would be merely necessary to gain a majority upon some preliminary point, and then to declare that no compromise would be admitted. By agreeing to the present resolution, the House would not only adopt the noble lord's principle, but would proclaim to the people of England and Ireland, that the only satisfactory arrangement of the Tithe Question must be founded upon the basis of a principle, from which 300 members of the Commons dissented. [Hear].

The sentiments which he had heard in the course of the discussion, had not tended in any degree to diminish the apprehensions which the former debate excited in his mind. [Hear, hear!] In whatever respect new ground had been taken that night, it was still more dangerous than the ground occupied before. The noble lord was asked, how he meant to ascertain the surplus? He was asked to give some explanation of his principle; and in the course of that very short speech, in which he professed his inability to produce any plan until he had seen the report of the commissioners, he ventured on an explanation of his principle, and it was to this effect: "If there be in the south of Ireland, in Kerry or Limerick, for instance, livings superfluously endowed, in that case it would give no satisfaction to the payers of tithe in the parishes to which those livings belong, to transfer the surplus to supply deficit endowments in the north, in Down or in Derry; but the surplus ought to be applied to the purposes of education in the parish from which such surplus is derived." If that principle were followed out, it would establish a separate, peculiar, local, parochial interest in the amount of tithes; it would constitute each parish into a separate territorial division, and proclaim to the people of Ireland, that henceforth each parish should have a separate and peculiar interest in the amount of tithe levied within it. ["Hear," from the Opposition.] The hon. members who cheered affirmed that proposition. Then, he asked, in answer to their cheers, on what pretence will you limit the appropriation of the surplus to purposes of education? (Cheers.) After having established a separate, peculiar, and parochial interest in the surplus, will you declare, that to no one purpose shall it be applied excepting that of education in each particular parish. (Hear, hear!) Supposing a parish should answer, "We have education enough already—we have several endowments for the purposes of education—the Protestant landlords have established schools—our children are all amply instructed, there are no demands in our parish for further education; at our own desire, and with a view to maintain our independence, we voluntarily make a small payment for each child, and we require no more funds for the purpose of instruction;" in such a case, how would the noble lord's limitation of his principle satisfy public opinion in the parish of which I am speaking as an example? Supposing the noble lord were to assign the surplus to a neighbouring parish, less amply provided with the means of instruction, did he think that that application of it would create more satisfaction than if he transferred it to a distant one? Did he, who objected to the transfer to Down or to Derry, believe that after the establishment of his principle, the providing for the wants of an adjoining parish from the tithes of its neighbour would give satisfaction to the payer of those tithes? From what he (Sir Robert Peel) knew of local funds in Ireland, he was sure that the application of surplus parochial funds to the necessities of a neighbouring parish was not likely to be received with greater favour than their transference to the north of Ireland.

Thus, after disturbing all existing notions with respect to property, the noble lord would fail to give satisfaction to the people of Ireland, which was the only object which he professed to have in view. But did the noble lord recollect that he himself was a party to a measure which made an important change with respect to large and overpaid livings in the south of Ireland—he alluded to the Church 'Temporalities' Bill, which was passed only two years ago? The preamble of that bill was utterly at variance with the noble lord's resolution. That bill was the last legislative declaration on the subject of the Established Church; and it was a declaration made on the advice, and at the instance of the noble lord; it distinctly laid down the principle of a different distribution of church property; it distinctly laid down the principle, that overpaid livings might be curtailed, that tithes might be detached from arch-bishopries and bishoprics; it laid down the principle that sinecures in the church should be abolished, and the proceeds appropriated to certain purposes; but then, there was this express limitation, that those purposes should be ecclesiastical, such as the building, rebuilding, and repairing of churches, the augmentation of small livings, and such other purposes as might conduce to the advancement of religion, and the efficiency, permanency, and stability of the United Church of England and Ireland. (Cheers.) Thus, the ecclesiastical funds were limited to purposes strictly ecclesiastical, and the object of the noble lord's act was declared to be, to give permanence and stability to the United Church of England and Ireland. What confidence could the people place in the intentions or resolutions of that House, when it saw them exhibiting such utter disregard to the enactments, to the main principles of bills brought in—not last century—not forty years ago—not by a Tory government—not by the devoted friends of the church—but by the government of which the noble lord was a member? (Cheers.) The noble lord had forgotten not only the preamble, but the enactments of that bill. These overpaid livings in the south of Ireland, which caused such scandal, and were so offensive in the eyes of the noble lord. ["Hear, hear!" from the Opposition.] He could assure the hon. gentlemen who cheered that he was going to prove, that the noble lord was a greater reformer than he had given himself credit for being; that the noble lord had already made provision for the correction of those very abuses in the church of which he was now so grievously complaining. Such, however, was the modesty of the noble lord, so oblivious was he of his own good deeds, that he had actually forgotten the enactments of the bill, of which he was one of the most powerful supporters, which provided a most effectual remedy for the very evils which now appeared to shock him so much; for by one of the clauses of the bill it was expressly provided, that if any livings should be found in the south, or in any other part of Ireland, with incomes exceeding £800 a-year, it should be competent to commissioners to detach the tithes of certain townlands from them, and assign them to neighbouring livings, for the purpose of securing a resident minister. The limitation placed by the bill on the extent of the deductions from these livings, was this, that no living should be cut down below £300 per annum. If, therefore, the noble lord would apply the principle of his own bill, through the agency of his own commissioners, he would destroy all the enormous livings in the south of Ireland, whose funds he now wished to apply to purposes of education. (Hear, hear.)

Let the House now look practically to the consequences which must follow from the adoption of the noble lord's proposition. After the resolution had gone forth, a resolution adopted after much parade—after a call of the House—after a debate, protracted to seven nights—the people in every parish in the south of Ireland would naturally scan it with a keenness proportionate to all this preliminary parade, and attempt to ascertain its real meaning. The noble lord proposed that any surplus which might be obtained should be applied exclusively to education, on the express ground that education is an ecclesiastical purpose; but how those hon. gentlemen on the other side, who maintain that the surplus could, and ought to, be applied to secular purposes, could consent to bind themselves by the terms of the noble lord's resolution, he (Sir R. Peel) could not understand. However, that was a point for them to settle. He (Sir R. Peel) was glad of the limitation, because, if spoliation was to be committed, it was gratifying to know that it was proposed to confine it within certain definite bounds; but how could such limitation meet the approval of those who declared that the noble lord's resolution was only valuable on account

of the principle which it contained? The hon. member for Derbyshire, who had, by his own confession, been searching for precedents, had been able to quote only two authorities in justification of the principle of spoliation, one an ancient, the other a modern one. His authorities were Henry VIII. and Captain Macheath. (Laughter.) The hon. member, after giving him (Sir R. Peel) credit for his historical knowledge as regarded Henry VIII., was kind enough to assume that he was equally cognizant of the principles and practices of Captain Macheath. He knew this at least of the character and exploits of the captain—that he was a wiser man than the hon. member; for he never appropriated a surplus till he had ascertained its existence. (Great cheering and laughter.) True; the captain applied his surplus to secular purposes. (Laughter.) So far his example was a precedent, but he differed from those who appealed to his authority in this respect, that his surplus was never an imaginary one. But, to return to the noble lord: when the noble lord's resolution should arrive in Ireland, accompanied by the speeches of the noble lord, and all the hon. members who had supported it, the people would find it distinctly explained, that their interest in tithes was a local and parochial interest—that tithes belonged, not to the church, not to the state, but to each parish from which they were derived. They were further forewarned, that, in case the Protestant interest should hereafter revive in a parish in which the surplus had been appropriated according to the noble lord's principle, the new interests which might have accrued in the mean time were liable to be set aside, and the fund re-applied to its original purpose. (Hear, hear!) Suppose a vacancy should take place in a living of £1,000 a-year, who was to determine what would be a fitting provision for the Protestant clergyman? This question would arise upon every vacancy. There would be a public meeting. The number of souls then in existence would be counted; the Roman Catholic clergyman would be at work; the expectant Protestant clergyman would urge his claim; the whole parish would be aroused from its slumber; for there would be a manifest interest in diminishing as far as possible the stipend set apart for the Protestant minister. That stipend, be its amount what it might, would be regarded with an evil eye as a superfluous charge on the parish purse—as a diminution from the amount applicable to parochial purposes of public utility. See how many conflicting interests would be called into life by this new principle of appropriation; to how many new elements of social discord it would give birth. The Protestant landlord would have a direct interest in collecting round him as numerous a Protestant tenantry as possible, in order to establish a claim—an eventual claim, at least—to a part of the surplus. The more strong his sense of religion, the greater would be his interest in the establishment of this claim on behalf of the faith which he professed. You thus gave him a new interest, an interest recommended to him by the highest and purest principles, to surround himself with a Protestant tenantry, that is to say, to dispossess Roman Catholic tenants of their land on the expiring of leases, and supply their places by Protestants. On the other hand, the Catholic population would have a direct interest in intimidating and driving away Protestants; and thus religious jealousies would be added to the other causes which at present rendered the letting and the holding of land in Ireland sources of excitement and disturbance. Again, supposing the case to which he had already referred—namely, that a surplus should be found in a parish in which the means of education were already abundant, would not the Catholics say, “You have established the principle, that we have an interest in the surplus; we shall derive no advantage from the application of that surplus to instruction, and, therefore, we insist that it shall be applied to some other local purpose, and not diverted to another parish.” How could the noble lord answer that argument? (Hear, hear!) How could he, with his principles, divert the tithes—the parochial fund, which must not be transferred to Derry or to Down—how could he divert it to another parish? What endless discord there would be! The other parish might be tithe free. “Are we,” the tithe-paying parishioners will say—“are we to pay tithe for the benefit of those who are exempt? We had a resident clergyman under the old system. He did spend the produce of our tithe among those who paid it; but now the tithe is to be paid, as before, but it will be applied to the benefit of others.” (Hear, hear!)

There was a part of the speech of the hon. and learned member for Cashel which appeared to make some impression upon the House; and, having alluded to the hon.

and learned member, he would add, that, strange as it might seem to some hon. members opposite, there was very little difference between them (Sir R. Peel and Mr. Perrin). The hon. and learned gentleman did not advocate the doctrine of the hon. member for Derbyshire, that the legislature might be indifferent with respect to gospel truth. The hon. member for Derbyshire was evidently an enemy to all establishments. Why, on his principles, would he allow the establishment to exist in England? It was no answer to say, that it was supported by the majority of the people; because, according to the hon. member, there should be no endowment of any one form of worship. Endowments, according to him, obstructed the progress of truth; and each religion, whether pure or corrupt, should be allowed to make its own way. If this argument was good for any thing, it clearly applied, not to the church in Ireland exclusively, but to the establishment in this country. The hon. member for Cashel, however, was an advocate for religious establishments. Said the hon. member, "I find a certain parish in Monaghan which contains but four Protestant families—the amount now allotted to their spiritual guide I will reduce—but I will provide the four families with the means of religious instruction."

Why, the noble lord, the member for Lancashire (Lord Stanley), had not gone one step farther than this. He said if there were ten Protestants in a parish, he would secure to them the means of religious instruction, and the opportunities of divine worship according to the rites of the Established Church. Or rather, what he said was this. If they have now such means, I will not consent to deprive them of what they possess. And what said the hon. gentleman? Not only that he would not deprive them of them, but that there should be—not, indeed, an overpaid absentee rector, with an income of £700 a-year—but a resident Protestant pastor to administer the offices of religion to those who required them—not with the paltry stipend of £75 a-year, which the curate now receives for his services, but with an income of £250. Here, then, would be £250 a-year allotted with a wise liberality, not only for the spiritual instruction of four Protestant families, but for the purpose of recognising the great principle interwoven with the existence of a Church Establishment, that for those members of it who lived, or might live in that parish, there shall be the means of publicly worshipping their God according to the principles of their faith. Now, he (Sir Robert Peel) would ask the hon. gentleman this question. If he were to divide the revenues of the church equally among every parish, taking his own standard as the standard of clerical remuneration, was he quite sure that there would be a surplus of church revenue? The sum of £250 was assumed by the hon. gentleman to be the minimum at which the proper performance of a clergyman's duties ought to be remunerated; he would assign this as the stipend of a clergyman in that parish in which there were only four Protestant families; but if he (Sir Robert Peel) took the case of a clergyman in a large parish, in a populous city, who was obliged to move in a certain station of life, and to maintain his family in decent and moderate independence, was it not clear that £250 per annum would be a most inadequate provision? Give me £250 as the minimum for the country parish—give me, what is manifestly not more than sufficient, where the Protestant congregation is numerous, where the parish is situate in an extensive town, and I meet the learned gentleman with perfect confidence on his own grounds, and I tell him that, on his own principles, and his own reasoning, he has not one farthing of surplus.—See, too, what his admission is, his just and liberal admission, that £250 is not too large a provision for the clergyman who has charge of his parish with the smallest possible number of Protestants. See what it implies beyond the allotment of the stipend. It implies the necessity of a place of Protestant worship—it implies the necessity of a residence for the minister. The charge for these if not built—the repairs of them if built—fall now upon the revenues of the church. Where is the surplus when all these essential requisites to Protestant worship shall have been provided for, limiting the provision to those parishes alone in which there is a Protestant population? (Hear, hear!)

He agreed fully with what had been said relative to the propriety of enforcing residence among the clergy. He would not limit that principle to the removal of the abuses caused by the absence of an incumbent, who, spending his money at some distant watering-place, neglected the performance of his clerical duties. He would be contented to destroy pluralities. (Cheers.) He would not hesitate to

declare that the ministers of the church who were spending their incomes in places of mere amusement, and were neglecting the personal discharge of spiritual duties, were not fulfilling the condition on which the endowments of their benefices were given to them—(loud cheers)—and a law should pass to remove those unsightly defects, if they existed, in the constitution of the church in Ireland. And with his full consent, that law should apply, not merely to future, but to every existing incumbent. There was no vested interest that could be pleaded against the performance of that high trust for which alone that interest was vested. ((Cheers.))

He did not wish to enter upon a consideration of the Acts of Richard II., which had no application to the question before the House—which related to the impropriation of tithes. If the tithes did not belong to the rector, they certainly did to the church—(hear, hear!)—and should be applied to the purposes for which the church was consecrated. (Cheers.) If the learned gentleman's argument was valid; if the parishioners, in their personal capacities, and not the church, had a right to the tithes—how did he propose to deal with the lay-impropriator of tithes? Could the alleged right of the parishioners to tithes be defeated by their transfer to a layman.

An hon. member on the Opposition side.—Length of time has sanctioned the abuse.

Sir Robert Peel: Length of time! there is no right which prescription has given laymen to their property, which it has not given in at least an equal degree to the church. [Cheers.]

He had another objection against this resolution. Its object was to obstruct by unfair means the passing of the Tithe Bill. [Hear, hear!] It was a way of notifying to the government, in a dangerous and unprecedented manner, "We will not permit you to introduce your measure; we will not allow you to pass any preliminary stage in which after discussion any point could be agreed to; we will not consider the bill in committee, unless you agree to this resolution as a preliminary condition." He could not agree to it. He objected to it on the ground, that the principle of the resolution was dangerous and unjust; he objected to it on account of the manner in which it had been brought forward—he objected to it because those by whom it was prepared admitted a total want of information upon the subject on which they were legislating. Acting upon erroneous data—not having determined the amount of the property of the church—not knowing how much they wanted for the purposes of education, they proclaimed their object to be a final settlement, a satisfactory settlement, and yet they established no principle by which their future course was to be guided; or, if they did establish a principle, it was one of much more extensive and dangerous application than they professed it to be. After their debates of seven nights, there were many important points that had totally escaped observation. They had not taken into account how many livings there were in Ireland, the right of presentation to which belonged to laymen, and was held as private property. If they were to deduct these advowsons, they would find a large sum must be subtracted from their estimate of the church property; for he apprehended that they would distinguish between the rights of the private and the public patron. In the Church Temporalities' Bill this distinction was made, and he supposed it would be made again; for the noble lord would probably respect the rights of private property belonging to individuals. There were 300 livings in the hands of individual patrons. He did not pretend to know the exact amount of their value; but if it corresponded in a proportionate degree with the ordinary value of Crown livings in Ireland, and if they were to be treated as private property, about one-fourth of the whole revenues of the church was at once placed beyond the control of the noble lord. Here was one case, in which a great deduction must be made from this alleged surplus. But how could they determine, how could they approximate to the estimate of the surplus, without having decided on the principles of the new Tithe Bill, on the amount of the abatement which was to be made from the present legal demand of the church? This was a most important point. [Hear, hear!] The right hon. gentleman who lately held the office of Secretary for Ireland, had declared that the landlords were not treated too favourably in the bill sent up last year to the House of Lords, and had stated his determination, when the Tithe Bill came before the House, to insist on terms as favourable to the landlords of Ireland, as those contained in last year's bill. Now, if the right hon. gentle-

man acted on this principle, and was successful in enforcing it; he would make a very material reduction in the future revenues of the church. [Cheers.] If, as in the last year's bill, two-fifths of the tithes were to be given to the landlords, the tithes being valued at £545,000, and one-fifth of £545,000 being £109,000, the sum of £218,000 must be deducted from the value of the tithes. There would then be left £327,000 as the future annual value of tithes in Ireland. And here he would beg the noble lord to observe, that they were rapidly reducing his estimate of £800,000. [Cheers from the ministerial side of the House.] If the noble lord agreed with the right hon. gentleman, so recently his colleague in office—the colleague intrusted with Irish affairs, the author of the Tithe Bill of last year—it was clear that the tithe property of the church was reduced by one blow to the annual sum of £327,000. But were the compositions for tithes to be re-opened, as they were by the bill of last year? If they were, here was a fresh deduction even from the sum of £327,000. Consider these three separate causes of reduction of the assumed surplus—reductions of which you yourselves are the advocates. First, there is the private patronage of livings, which is not within your control. Secondly, two-fifths taken from the present amount of tithe. Thirdly, compositions of tithe re-opened; and then inquire calmly whether the remainder be more than sufficient for the decent maintenance of the church. Now, was it just towards the church, was it likely to conciliate the good feeling and good-will of those for whom they legislated, to proceed to pass this resolution with such false assumptions of the real amount of the revenues of the Irish Church. [Hear, hear!] There was no excuse whatever for this course. Returns had been called for, and in three days they would be before the House. [Hear, hear!] Hon. members opposite had eagerly sought for that information, but they now refused to be governed by it, and pledged themselves to listen to nothing but the resolution. [Cheers from the ministerial benches.] They might act upon that determination, but, happen what might, he would not adopt the principle of that resolution. [Loud and prolonged cheering from the ministerial benches.] He would not give effect to it. When he considered the hopes they had raised, and the expectations they had excited, which he knew must be disappointed, he might well say that the boldest man would be justified in shrinking from the responsibility of that resolution. [Cheers.] Even if the resolution was passed, its principle would not apply, until vacancies in livings should occur. The result of this debate, now continued for seven days, would only affirm a principle whose practical effects must necessarily be suspended, until existing interests had ceased. And what was the condition of these clergymen in the south of Ireland, who, the House thought, were loaded with superfluous wealth? They had been deprived of their tithe for the last four years. If he had interfered with the noble lord's resolution, for the purpose of amending it (which he had no intention of doing), the first claim he should assert, would be to provide compensation for those who had suffered under, but patiently acquiesced in, the wrong which had been inflicted on them. Surely, the justest claim on a surplus, if there were a surplus, would be that of those who had been robbed of their property. [Hear, hear.] If they found clergymen with wives and families resident amongst their parishioners, deprived of their rights because they had been temperate in the enforcement of them—because they had shrunk from extreme measures—because they had submitted to severe personal privations rather than come into collision with their flocks, were their demands for retribution to be disregarded? [Cheers.] He held in his hand one of many letters which he had received on this subject, and he was resolved to bring an individual case before the House as an example, in order that they might see the extent of pecuniary loss to which the clergy had been already subjected. It was written with great simplicity, and on that account was the more affecting. The right hon. baronet then read an extract from the letter: "I entreat you," said the writer, "if practicable, to create a fund to provide for the widows and orphans of clergymen, which the contemplated reduction of their incomes would render peculiarly well-timed, as many must now be disabled from partially attaining that object by effecting insurances on their lives. And lastly, to relieve them from future instalments (together with arrears now due) to the Board of First-Fruits, for loans advanced them to build their glebe-houses. I sincerely wish mine was an isolated case, but if many are similarly circumstanced with myself, they have great



difficulties to encounter. I effected the composition in my parish (in 1832) at a sacrifice of £150 per annum of the income I was for years in receipt of—namely, £580; thus voluntarily reduced by me to £430. By the proposed bill, this will be further reduced to £322, 10s.; out of which I shall pay £50 insurance, £43 rent, £29 first-fruits; leaving a balance of £200, 10s. to support my beloved wife, ten children, and myself, after being above forty years an unworthy labourer in the Christian vineyard. [Cheers.] A murmur, however, shall not escape my lips; for I feel convinced the welfare of the Established Church is the object you and the government are most anxious to promote. Were the second measure, the provision for widows and orphans adopted (as I have humbly suggested), I should regard as trivial every pecuniary difficulty I might be destined to encounter; for it would console me under them all, and pluck from the pillow of death the only thorn this world could plant there. [Great cheering.] As a small atonement for thus presuming to trespass on you, permit me to offer the accompanying poem, for which my eldest son obtained a Vice-Chancellor's prize. He was equally successful with two other poems, but the enclosed is the only one published." [The pathos with which the right hon. baronet read this short extract, produced a great effect upon the House.] Here was a clergyman supporting his wife and ten children on an income reduced by acts of the legislature from £580 to £322 a-year, (the latter sum probably recovered with extreme difficulty,) not murmuring at his loss, thanking those who inflicted it for their wish to promote the interests of the Church, and ready to make any personal sacrifice which would conduce to those interests. Surely it is affecting to contemplate such a man cheerfully devoting, from the pittance which was left to him, some portion of it for the education of a son who was cheering the poverty and suffering of his home by the glad tidings of academical distinction. This is no singular instance—it is one of a hundred similar cases—and shall we, without inquiry, pledge ourselves irrevocably to transfer from the Church to which these ministers belong, a portion of her property; and if we do transfer it, can we with any semblance of justice appropriate it to any object, before we have provided compensation for those who have been defrauded and robbed of their rights?

I will no longer interpose between that decision of this House which, if adopted, is to exclude all compromise, all hope of reconsideration; to pledge this House, in spite of further argument, in spite of additional information, in spite of its own conviction, to adhere obstinately to one unalterable Resolution. Against the principle of that Resolution, there stands recorded the deliberate protest of men whose opinions are entitled to the highest deference, from their high character and acquirements, from their experience in the affairs of Ireland, above all, from their political relations, and the active part they have taken in the adjustment of Irish questions of the deepest interest and importance. I quote not the opinions of men prejudiced in favour of Protestant ascendancy, bound by the ties, or stimulated by the excitement of party, to uphold the predominance of the Church; I quote the authority of those who were the most powerful, the most uncompromising, the most effectual advocates for the removal of Roman Catholic disabilities, and the establishment of perfect civil equality among all classes of the king's subjects. I quote the authority of Burke, of Plunkett, of Newport, and of Grattan. Of Burke, who, speaking of the Established Church in Ireland, considers "it a great link towards holding fast the connection of religion with the state, and for keeping these two islands in a close connection of opinion and affection;" who wished it well—"as the religion of the greater number of the primary land-proprietors of the kingdom, with whom all Establishments of Church and State, for strong political reasons, ought to be firmly connected." I quote the authority of Plunkett, who declared "the Protestant Establishment in Ireland to be necessary for the security of all sects, to be the great bond of union between the two countries," and who emphatically declared, that "to lay our hands on the property of the Church, or to rob it of its rights, would be to seal the doom, and to terminate the connection, between the two countries." I quote the authority of Newport, who protested against the enactments of the Church Temporalities' Bill, who dissented from the policy of reducing the number of bishoprics, who, while he advised a different distribution of Church property, for the promotion of the interests of the Church, insisted on the strictest application of that property to ecclesiastical purposes. Lastly, I appeal to the solemn, the dying decla-

rations of Grattan—of him who fought to the last hour of his existence with “desperate fidelity,” in the cause of his Roman Catholic fellow-countrymen. In his last moments he had strength sufficient to dictate a paper, of which the following is a faithful extract.

“Resolved, that a Committee be appointed with a view to Repeal the Civil and Political Disabilities which affect His Majesty’s Roman Catholic subjects on account of their religion.

“Resolved, that such Repeal be made with due regard to the inviolability of the Protestant religion and establishments.

“Resolved, that these Resolutions do stand the sense of the Commons of the Imperial Parliament on the subject of Civil and Religious Liberty, and as such be laid before His Majesty. These Resolutions contain my sentiments; this is my testamentary disposition, and I die with a love of liberty in my heart, and this declaration in favour of my country in my hand.”

Supported by these authorities, I adhere with the greater confidence to that course which my own judgment and my own conscience dictates. Backed by the prescient sagacity of Burke, by the powerful reasoning and prophetic warnings of Plunkett, by the local knowledge and long experience of Newport, by the dying injunctions and testamentary declarations of Grattan, I give an unhesitating vote against principles tending to shake the foundations of all property, and to subvert the Protestant Church in Ireland.

The House divided on the Resolution, when there appeared—Ayes, 285; Noes, 258; majority 27. Resolution agreed to.

## RESIGNATION OF MINISTERS.

APRIL 8, 1835.

SIR ROBERT PEEL stated that it was his intention to move that the Mutiny Bill should be read a third time, and, in making that motion, he wished to avail himself of the opportunity which it afforded him of notifying to the House that he, in conjunction with all his colleagues in his Majesty’s government, and in conformity with their unanimous opinion, had felt it incumbent upon them, upon a combined consideration of the vote to which the House of Commons had come last night, and of their position as a government in that House, to signify to His Majesty, that they felt it to be their duty to place the offices which they held at the disposal of the king. He did not hesitate to say, that they had taken this course with the utmost reluctance, and not without the deepest conviction of its necessity. They felt, that being in possession of the entire confidence of the king, and having received from his Majesty the most cordial and unremitting support—looking to the present position of public affairs, to the present state of political parties—looking to the strength, not only the numerical, but the moral strength, of that great party by which they had had the honour of being supported, they felt it was their duty, under existing circumstances, to continue the attempt of administering public affairs, as the responsible advisers of the crown, to the latest moment that was consistent with the interests of the public service, and with the honour and character of public men. [Cheers.] When he did not hesitate to avow the reluctance with which they had tendered their resignation, he believed he should have credit with a great majority of the House of Commons [much cheering from both sides of the House], that that reluctance arose from public considerations alone [renewed cheering], and was wholly unconnected with every thing of a personal nature. [Hear, hear! and much cheering, particularly from the Opposition.] He had a strong impression, that when a public man at a crisis of great importance undertook the public trust of administering the affairs of this country, he incurred an obligation to persevere in the administration of those affairs as long as it was possible for him to do so consistently with his honour. [Hear, hear!] No indifference to public life, no disgust with the labours which it imposed, no personal mortifications, no deference to private feeling, could sanction a public man in withdrawing on light grounds from the post in which the confidence

of his sovereign had placed him. [Much cheering.] But at the same time, there was an evil in exhibiting to the country a want, on the part of the government, of that support in the House of Commons which could enable it satisfactorily to conduct the public affairs—which could enable it to exercise a control over the proceedings of the House—a legitimate and necessary control conferred upon it by the possession of confidence. [Hear, hear!] There was an evil in such an exhibition of weakness to which limits must be placed; and he must say, reviewing all that had occurred since the commencement of the present session—looking to the little progress the government had been able to make in the public business of the country—looking at what had occurred on each of the last four nights—to the fact that ministers had had the misfortune, on each of four successive nights, to be left in a minority—on Thursday last, on Friday last, on Monday last, and last night—considering that that minority was smaller in relation to the majority than the minorities in which they had been at the commencement of the session—adverting also to the fact that they had received the support of those who, not having a general and unlimited confidence in the government, yet had given to the government a cordial and honourable support [cheers] on every occasion on which it was consistent with their public principles to give it—adverting to all these considerations, he must say, that, in his opinion, the time was come when it was incumbent on the ministers of the crown to withdraw from the responsibility which office, under such circumstances, imposed upon them. In addition to these considerations were the nature and consequences of the vote of last night. That vote, he conceived, implied a want of confidence in his Majesty's government, because, in his opinion, it was not necessary for any public purpose to come to that vote. [Hear, hear!] It was tantamount to a declaration on the part of the House, that it had not that confidence in his Majesty's government which entitled that government to submit to the consideration of the House the measures of which they had given notice. The noble lord had signified his intention, if the vote to which the House came last night did not lead to the result to which it had now led, to follow it up with an address to the crown, conveying to his Majesty the resolution respecting the Irish Church, which the House had affirmed. As he conceived that embarrassment to the public interests would arise from the presentation of that address, and as he had no right to assume that the House would take a view with respect to the policy of that address different from the view which it had taken with respect to the resolution, it did appear to him and to his colleagues, (whose views were in exact conformity with his own,) that a public duty was imposed upon them, particularly since they felt that the time was fast approaching when resignation was inevitable—not to persevere in a fruitless struggle, which might involve his Majesty, public men, and the country, in additional and unnecessary embarrassment. [Much cheering.] The vote of last night was not only tantamount to a declaration of a want of confidence in the government; but implying, as it did, the necessity of a total change of system in Ireland, so far as the Church revenues were concerned, it would impose such difficulties in the practical administration of government in Ireland, by parties opposed to the principle of the vote, that they were fairly entitled to decline a responsibility which others were bound to incur. The vote of last night was not an abstract resolution; the vote of last night was not one the practical execution of which could lie dormant. There might occasionally be points on which the House of Commons might express a different opinion from that of the government: there might be cases in which it would be possible for government to continue the conduct of public affairs, even in opposition to the House of Commons, upon questions involving mere abstract principles, admitting of delay in their practical application; but the House of Commons could not leave the tithe question in its present state. [Hear, hear!] At present laws were nominally in force, but were actually disregarded. Nothing could be more dangerous than to leave the law in its present state,—to habituate the people to the daily violation of it,—to exhibit to them a state of things in which those who were charged with the enforcement of law connived at its non-execution. It was not merely that the particular law would lose its authority; but the fatal example would extend to all laws, particularly to laws confirming and enforcing the rights of property. [Cheers.] Under these circumstances, it would have been the duty of the members of his Majesty's government, if they had continued in the adminis-

tration, to have pressed for an immediate decision with respect to the law as to the recovery of tithes in Ireland. The Tithe bill of which they had given notice, they could not have proceeded with, without previously proposing the resolution for the remission of the claims upon the Irish clergy, on account of the repayment of the advances under the Million Act. He had no right to anticipate a different conclusion from that to which the House had already come—he could not anticipate that they would sanction the grant of a million without a distinct understanding that the Irish Tithe bill was to be framed upon the principle of the vote of last night; and under these circumstances, having no reason to apprehend that a delay of a few days would make any material difference in the position of the government—considering that it was impossible to permit the vote of last night to lie dormant—that the government must proceed with the Tithe bill, being firmly resolved to adhere to the principle of their own bill [hear, hear!] being firmly resolved, not to adopt the principle of the vote of last night [hear, hear!]<sup>1</sup>—under all these combined considerations, they had, as he had said before, felt it to be their duty, as public men invested with a public trust, respectfully to request his Majesty to permit them to restore that trust into the hands of his Majesty. They, therefore, now only held their offices provisionally, and for the temporary execution of public business, until his Majesty shall have made other arrangements for the conduct of the government. Under these circumstances, he should submit to the House, that perhaps the best course he could propose would be, that there should be a short adjournment. It would not be necessary that the adjournment should extend beyond Monday; and he should make the motion for an adjournment at once, had it not been that there was an election committee for which a ballot was appointed for to-morrow. Perhaps the House would feel that any discussion on public matters, in the present state of affairs, could not be proceeded with to any advantage. He had not the slightest hesitation in supposing, from the forbearance which the House had always shown on similar occasions, that the motion would be unanimously agreed to; but lest any inconvenience should arise with respect to the election committee, the ballot for which stood for to-morrow, the House would perhaps meet to-morrow for the single purpose of that ballot, and, when it was completed, adjourn till Monday. [Hear, hear! from both sides of the House.] The motion also which he had now to make, and which he made merely in consideration of public interests—namely, the motion for the third reading of the Mutiny bill—he was quite sure would be cheerfully acquiesced in. [Hear, hear!]

He had been anxious to give this explanation as briefly as he could, and in a manner the least calculated to give offence, or to excite angry feelings. [Great cheering from all parts of the House.] For himself, the whole of his political life had been spent in the House of Commons—the remainder of it would be spent in the House of Commons; and, whatever might be the conflicts of parties, he, for one, should always wish, whether in a majority or in a minority, to stand well with the House of Commons. [Immense cheering throughout the House, which continued for some minutes.] Under no circumstances whatever, under the pressure of no difficulties, under the influence of no temptation, would he ever advise the crown to resign that great source of moral strength which consisted in a strict adherence to the practice of the principles, to the spirit, to the letter of the constitution. [Hear, hear!] He was confident that in that adherence would be found the surest safeguard against any impending or eventual danger; and it was because he entertained that belief that he, in conformity with the opinions of his colleagues, considered that a government ought not to persist in carrying on public affairs, after the sense of the House had been fully and deliberately expressed in opposition to the decided opinion of a majority of the House of Commons. It was because he had that conviction deeply rooted in his mind, that regretting, as he most deeply did regret, the necessity which had compelled him to abandon his Majesty's service at the present moment; yet upon the balance of public considerations, he felt that the course which he had now taken was more likely to sustain the character of public men, and to promote the permanent interests of the country, than if he had longer persevered in what he believed would have proved a fruitless attempt, to conduct as a minister the king's service, in defiance of that opposition which had hitherto obstructed the satisfactory progress of public business. [The right hon. baronet, at the conclusion

of his speech, was most enthusiastically cheered from all corners of the House for a considerable time.]

## OBSERVANCE OF THE SABBATH.

MAY 20, 1835.

On the question that the House do resolve itself into a Committee on the Lord's Day Observance Bill,—

Mr. Hawes moved, "That the bill be referred to a Select Committee upstairs."

SIR ROBERT PEEL said, I confess that I always listen to discussions on this subject with great concern. There is no man in the House who attaches greater importance than I do to the proper keeping of the Sabbath-day. I think no one has a right to shock the public feeling by desecrating the Sabbath-day; but at the same time, I entertain very serious doubts as to whether we shall promote that object by legislation, and whether it will not be better to trust to the influence of manners and the increase of morality, for the purpose of checking, by public opinion, the attempt at profanation of the Sabbath, than to have recourse to new laws which I fear in themselves would be difficult of execution; and which, as they might be perverted to purposes of annoyance to individuals, would tend to bring the law itself into disrespect. I confess, judging from my own experience, I should say that you might safely trust to the influence of manners. I should say, that comparing, even within my own short experience, the observance of the Sabbath with what I have witnessed, and certainly with what I have read, making this comparison, I should say, that without the interference of any new law, the Sabbath-day is now much better observed than was the case formerly. If that effect has taken place, nothing would be more easy than to show that you owe that consequence, that good effect of the influence of manners, to the influence of public opinion, and not to legislation. Because I will undertake to prove, to the satisfaction of any man, that the enactments now on the Statute-book are not, and have not been, observed. Of this I am perfectly satisfied, that you have only one of two alternatives—either to leave the law in its present state, and not to touch it, or, if you do touch it, to simplify and consolidate it, and to let the public know what the law really is with respect to the desecration of the Sabbath. Now, the hon. gentleman, the member for Shaftesbury, is about to take a third course, which I think very unnecessary. The law of Charles II. is now in operation; it is on the Statute-book, but practically it is not observed; but the hon. gentleman is about to pass a bill which assumes the existence and operative effect of that law. The hon. gentleman's bill is entitled, 'A Bill to amend and render more effectual the statute 29th Charles II.;" but the provisions of the bill are totally at variance with its title, for the hon. gentleman does not attempt to enforce the statute of Charles. He does not attempt to make the statute of Charles more effectual, but he selects one particular offence contemplated by that statute, and makes that one particular offence more penal. The hon. gentleman says nothing of the other offences specified in the statute of Charles; and consequently, when you have this bill passed, you must still refer to the statute of Charles, to explain to you what the law really is. The hon. gentleman says, there is no occasion to consider the bill with any great anxiety, or to discuss it at any great length, because all the enacting part of it is comprised within six lines. That may be very true; the bill itself may not exceed six lines, and yet it may be very important. For instance, you may say that there shall be no drinking on the Sabbath-day, and that provision, if you like, may be comprised within a single line; but still every one would be aware that the provision though short was of a most sweeping and comprehensive nature, and that it would be necessary to look with great jealousy and apprehension to the practical consequences that might ensue from it. I will prove to the hon. gentleman, that in carrying his bill into effect, it will be constantly necessary to refer to the statute of Charles II. One of the offences under the statute of Charles is the letting out a boat for hire on Sunday. [Mr. Poulter: That clause has been repealed.] But how are the

people to know that? The hon. gentleman founds his measure upon the statute of Charles—calls it a measure for enforcing and rendering more effectual the statute of Charles; and then, when one of the very first offences specified in the statute of Charles is mentioned, he gets up and tells us that other bills have since passed by which the penalties upon several offences enumerated and provided for in the statute of Charles have been repealed. How, then, is the hon. gentleman's bill to be understood? The statute of Charles, in the next place, provides that no "drover, waggoner, butcher, &c., shall travel or come into any inn or lodging on the Sabbath-day, under the penalty of 20s." Is that a part of the hon. gentleman's bill? [Mr. Poulter: No.] But is not the dealing with these persons part of the bill? I was at first inclined to support the proposition of the hon. member for Lambeth, for referring the bill to a Select Committee; but, upon further consideration, I think it would be infinitely better for the House of Commons to meet the report fairly, and to defeat it upon principle. If it should be the opinion of the House that it is dangerous, that we may defeat our own objects by legislating on the report, surely it would be better, rather than to create a vexatious delay by referring it to a Select Committee, when a report may be made at such a late period in the session as to prevent the possibility of any effectual progress being afterwards made—rather than to adopt that course, surely it would be better to act upon the suggestion I now make. I am opposed to the proposition for referring the bill to a Select Committee, because some gentlemen might think that an indirect mode of defeat. I am therefore prepared to go into committee this evening, and to allow the hon. gentleman to make the bill as perfect as he can; and when he has taken that course, I shall call upon him either to drop the bill altogether, or to leave the law as he found it, and to trust to the continued operation of manners to enforce the observance of the Sabbath. That I confess is the bearing of my own mind. I confess I do see enormous difficulties in trying to carry this bill into effect. The statute of Charles II. attempted to prevent travelling of all descriptions on the Sabbath, as well by the ordinary means of land carriage as by boats? Why is that abandoned in the present bill? If it be wrong for the humbler classes to travel by steam to Richmond on Sunday, surely it must be equally wrong for us to be travelling in our carriages on the same day. I do believe that the rich are the greater offenders, but we ought not to make laws which practically inflict very unequal restrictions on different classes. If we interfere with the innocent recreations of the poor, such as mere locomotion, we shall do much harm. Enactments of such a description tend only to create disunion between the richer and the lower classes, because the restrictions which they provide apply principally to the latter. To any law proceeding upon that principle, I must decidedly object. If you legislate upon the subject at all, it ought to be impartially: the restrictions you provide should apply equally to all classes. The hon. gentleman, the member for Shaftesbury, de-pairing to make the statute of Charles II. efficient upon the two points I have enumerated, takes another point, and endeavours to make it more stringent than it was originally intended to be. Then I say he ought to repeal all the rest of the statute. He should either leave the law as it is, or else make it more simple and plain. That is not the hon. gentleman's object. But considering the pains and trouble to which the hon. gentleman has gone, no doubt with the best motives, I shall not throw any impediments in his way on the present occasion; but I shall reserve to myself the right—when the hon. gentleman has reduced the bill to as perfect a shape as he can—either of calling upon the House to reject the bill altogether, or, if the House be determined to legislate upon the subject, then to require that we should so consolidate the laws, as that the public may understand what is an offence against the law and what is not.

Mr. Hawes having withdrawn his amendment, the House went into committee, and Mr. Poulter proposed to introduce the words "in an open shop," in order to obviate the objections which had been made to the bill by Sir R. Peel.

Sir R. Peel wished to know what was meant by the words "in an open shop?" Did it mean selling at a stall, or not? It was material to be very definite upon this point; because the people would regard this bill as the latest legislative declaration on the subject; and if selling at a stall was not to be included under the terms "open shop," then, instead of putting an end to trading on the Sabbath-day, the

effect of the bill would be to make that trading be carried on more publicly than ever, inasmuch as a stall was more open than a shop. The hon. member excluded the sale of animals on the Sabbath; but if the words "open shop" did not mean a stall, there would be an inconsistency in the bill, for animals were always sold openly, and not in shops. If, therefore, it were legal to sell at a stall, it would also be legal to sell cattle on the Sabbath-day.

Various amendments were agreed to, and the House resumed.

## CHURCH RATES—MR. CHILD'S CASE.

MAY 25, 1835.

In the debate arising out of the presentation of several petitions from Lynn, Wells, and other places, complaining of the conduct observed towards Mr. Child of Bungay, by the Ecclesiastical Court, on the subject of demand for Church rates:—

SIR ROBERT PELL, rising after Lord John Russell, said he had nothing to find fault with in respect to the principle which the noble lord had announced on the subject of Church-rates, since the noble lord had plainly said, that it was an essential condition of the existence of an Established Church that the state should provide for the maintenance and repair of the fabric of the Church. [Mr. Hume: "No, no." Lord John Russell: "Yes."] He hoped that the noble lord might be allowed to be the interpreter of his own opinions: he certainly so understood the noble lord, and at the moment when the noble lord was assenting to his construction of the noble lord's own words, he thought he might take that assent to be the correct indication of the noble lord's opinion, notwithstanding the peremptory contradiction which some one behind him gave to the representation. The noble lord, in the conclusion of his speech, as if to remove all doubt on the matter, had explicitly declared that "his opinions on the subject of Church-rates were well known; and from that he inferred, that the noble lord still maintained the opinions which he had publicly announced on the occasion when the present Earl Spencer brought forward the question of Church-rates. Even if the noble lord had not made the declaration that his opinions continued unchanged, he felt no disposition, as he had no reason or motive, to impute any change of sentiment to the noble lord. In regard to the principle, that the state was bound to maintain and repair the fabric of the Church—it is the same with that maintained by Lord Althorp when he announced his intention to relieve Dissenters from as much as possible of the burden complained of. Lord Althorp stated that he found the total amount annually expended on the repairs, and for the services of churches and chapels in England and Wales, and raised by church-rates, to have been between £500,000 and £600,000. The noble lord said, that with respect to a large portion of this sum he made no provision, throwing the necessity of providing for the expenses incidental to the performance of divine service and other similar matters upon members of the church itself. The noble lord's observations were to this effect, "The members of the establishment had a right also to say, that their interests should receive all due attention, and that their principles should be respected; one of those principles certainly was, that means should be provided by the legislature for the support of the fabric of the church:"—the noble lord added, "Another point, not immediately relevant to the question, but which the committee would not fail to take in view, was, that the effect of the new plan would be, not only to relieve Dissenters from their scruples, but the people of England from a considerable amount of taxation. It was proposed to apply £250,000 from the land-tax, but the sum hitherto annually expended upon churches and chapels in England and Wales, and raised by church-rate, was between £500,000 and £600,000 by the latest return upon the table. The relief from taxation, pressing upon the body of the people, would thus be important, and would amount to the difference, or nearly so, between £250,000 and £560,000. The expenditure had no doubt been extravagant in many instances; for sometimes the churchwardens and vestry, who ought to have guarded the interests of the parish, were benefited by the expenditure." Such were the principles on which the then Chancellor of the Exchequer made his proposition, a principle to which the noble lord (Lord J. Russell)

and the rest of his colleagues gave their full assent. The noble lord opposite supported the plan of Lord Althorp, in a speech, to the sentiments of which, no doubt, the noble lord still adhered. The resolution moved by Lord Althorp, abolishing church-rates, and granting £250,000 for the repair of churches, was met by a counter-proposition from the hon. member for Middlesex, providing that after a time to be fixed, the payment of church-rates in England and Wales should cease and determine. This proposition was declared by Lord Althorp to differ in principle from his, and on that ground the noble lord and his colleagues resisted it. Church-rates were to be absolutely abolished, and no substitute provided. Upon this question the House divided. He had the satisfaction of dividing in company with the noble lord opposite, and with the then Chancellor of the Exchequer, when, by a majority of 256 against 140, they negatived the proposition of the hon. member for Middlesex, that the repair of the fabric of the church was a public charge, and maintained the grant of £250,000 from the public funds for that express purpose. He had thus shown that the noble lord's principle differed from that opposed to it by the hon. member for Middlesex, and he now heard with great satisfaction that the noble lord still adhered to that opinion, which he had maintained with great ability on the occasion in question; and although he now proposed delay in the settlement of the great question of church-rates, on the principle on which the settlement should be made, the noble lord had not changed his mind. He would not attempt to gain popularity, at the expense of the noble lord, by concealing what he had himself intended to do; and therefore he now declared, that, although in the course of the present session he should have attempted, had he remained in office, to effect an immediate settlement of church-rates, yet it was his intention to adopt the principle of the noble lord—to extinguish all equivocal and objectionable charges, but to provide for the repair of the fabric of the church out of the general revenue of the country, by an annual provision, to the extent and for the objects contemplated by the noble lord. It was right that the noble lord should have the benefit of this declaration. He must add, however, that he should not have proposed to impose the charge substituted for church-rate, especially upon the land-tax. In fact, that was a mere delusion, which meant neither more nor less than a contribution from the general revenues of the state, although it sounded plausibly at first. His proposition would not have been to take the necessary funds for the maintenance and repair of churches in England and Wales directly out of the revenues of the state. It would have been connected with propositions for the relief of the occupying tenant in Ireland from arrears of tithes, and for the grant of money to Scotland, for the purpose of providing permanent endowments in certain cases in that country, for the ministers of the Established Church, these being the equivalent advantages intended for other parts of the empire, in order to compensate for the relief given to England in the shape of an abolition of church-rates. The satisfaction with which he had heard the expression of the noble lord's unchanged opinion, was greatly qualified by the noble lord's declaration that he intended to leave this question of church-rates in its present state during the course of another year. This was a great practical question requiring adjustment, and he must say, that the noble lord was under peculiar obligations to settle it as speedily as possible. The noble lord had referred to the conduct of churchwardens in compelling individuals to pay church-rates by harsh methods; but the churchwardens might and would refer the noble lord to his own act of 1834, in which he and his then colleagues had asserted the principle of abolishing church-rates, and providing a substitute for their payment out of the revenues of the state. And could the noble lord be surprised at difficulty arising in the collection of the rate, and at the manifestation of an indisposition to pay it, when government brought in a measure for the abolition of church-rates in April, 1834; and when, in June, 1835, the noble lord said, although his opinions and principles remained unchanged, yet he was not now prepared to bring his principles to a practical conclusion? He could see no grounds on which, since the noble lord did still adhere to his principles, he could decline to bring forward without delay the subject of church-rates with a view to its immediate settlement. He had on more than one occasion remarked, that it was unfortunate that the late government brought measures under discussion without that full previous consideration which was essential to their satisfactory adjustment, that they agitated the public mind by



renouncing certain principles, and did not afterwards calm the disquiet they had caused, by any practical settlement of the question at issue. The noble lord now confirmed the general correctness of such a statement, for the noble lord now admitted that attempts had been made at legislation by himself and his friends, in this case and in others, which had proved very unsuccessful. He was always pleased when he could offer a practical proof in the support of the statement of a minister of the crown, and he undertook to say, that never was a truer statement made by man than that the noble lord and his colleagues had sometimes proposed measures with an inconsiderate zeal and precipitation, which left matters worse than they found them. The attempt at legislation with regard to church-rates, was a signal proof of the justice of the noble lord's remark. Lord Althorp, in proposing a grant in lieu of church-rates, had said, that in addition to the £250,000 annually to be provided for, he believed there was a debt of about £80,000 (the church-rates having been mortgaged in certain instances), and some other small sums, but that those incumbrances could be easily provided for. Having heard this statement from the noble lord, he determined to ascertain what those small sums were, and he therefore called for returns as to the amount of church-rates mortgaged, outstanding debts for building churches, &c., and he found that, instead of an incumbrance on the rates of £80,000, as stated by Lord Althorp, £827,000 was actually the amount of debt due, and concurring with the noble lord on the principle of church-rates, and being desirous of carrying that principle into effect, he had to inform the noble lord that all the information which he had collected, in respect to church-rates, and the amount of existing debts for which those rates were a security, was entirely at the service of the noble lord. With respect to municipal corporations, he was not about to say a word on that question; but, without undervaluing its importance, he must observe that the subject of church-rates did not yield to it in urgency. So far as any question could be important to the maintenance of social harmony, to the promotion of satisfaction among the great body of the Dissenters, there was not a single question, excepting that of the Irish Church, which so much pressed for an immediate practical settlement as this of church-rates. He had understood that one of the main grounds on which he had been dispossessed of office, was, because gentlemen opposite thought that his accession to office had a tendency to interrupt several practical measures of improvement, which had been under mature consideration in the preceding cabinet, and which had been only nipped in the bud by the untimely frost that set in about the 15th of November last. Was not the following proposed and carried as part of an amendment on the address to the Crown on the opening of parliament? "To represent to his Majesty, that his Majesty's faithful Commons beg leave submissively to add, that they cannot but lament that the progress of these and other reforms should have been endangered by the unnecessary dissolution of a parliament, earnestly intent upon the vigorous prosecution of measures to which the wishes of the people were most anxiously and justly directed." If any one had asked him, what were the particular measures, in addition to corporation reform, to which this amendment referred, as having been interrupted and endangered by his accession to office, he should at once have answered, "A settlement of the tithe question in England, as well as in Ireland, the abolition of church-rates, and relief to Dissenters in respect to the ceremony of marriage." These were the three measures which the late parliament had under consideration; they had indeed done little towards a settlement of them, but they appeared "earnestly intent upon them." What might happen with respect to tithes in this country, he could not tell; the House had heard the noble lord say, that he contemplated no other measures than corporation reform, and an Irish Church bill, and all hope of commutation of tithes in England, he apprehended, was over for the present; and in like manner the Dissenters' marriage bill, and a substitution for church-rates, were to be postponed also. He had heard a novel reason for delay from a high authority on such subjects, one on which the noble lord exceedingly relied—namely, the hon. and learned member for the Tower Hamlets. His opinion now was, that you must not touch any single subject—that you must not indulge in partial views, or take up individual questions, but must consider the bearings of the questions of marriage, church-rates, tithes, registrations, and church reform, connectedly, and as parts of a great and entire whole; and having done so, you must bring in large and

philosophical measures, harmoniously combined, and calculated to ensure universal content and satisfaction. Now, if he had said to the House, "Don't legislate on single subjects, do nothing till you can provide for the complete arrangement of every thing, and settle all questions together, including tithes, church-rates, marriage, registration, and church reform—don't venture to touch one question till you are prepared to deal with all;" then, indeed, they might have justly inferred, that the dissolution of the last parliament had interrupted and endangered the progress of reform, then indeed there would have been some foundation for their alarm, some justification for their amendment to the address. If the government of Lord Melbourne had, as far back as November last, directed their attention to the subject of tithes and church-rates, and had made up their minds on those questions, they must be now prepared to bring them forward. They probably had done nothing more in these matters than they had done in many others; they were prepared to condemn what they found established, to declare that the existing law ought to be abolished, to make it, by virtue of such a declaration proceeding from such an authority, very difficult of execution, and to trust to chance for the future discovery of a substitute.

A government had other duties to perform, than that of merely joining in an outcry against an unpopular law. They ought, at least, to follow up the condemnation of that which existed, with the immediate proposal of a substitute. To take any other course was to weaken the authority of all law, to habituate the public mind to the absence of salutary restraint, and to diminish the hope of a satisfactory adjustment of that which might require reformation. And on this subject of church-rates, surely the noble lord, adhering, as he professed, to his former principle, and being in possession of all the facts of the case—surely the noble lord himself, one of the parties to the bill of Lord Althorp, and being now perfectly able to accomplish his object—surely he was bound to proceed, and not to leave unsettled for another year, a subject so pregnant with the seeds of discord and collision. In consideration of the interests of the Church Establishment, for the satisfaction of a large body of the people—for the accomplishment of their own pledges—to promote subordination and obedience to the law—to suppress individual complaints of grievance—surely, to accomplish all these objects, a government fit to be intrusted with the management of public affairs would, without delay, take this matter into their own hands, and not suffer the law respecting church-rates to be made a theme of discussion in public meetings, and a subject of resistance by parochial martyrs for another twelvemonth.

After a long debate, Lord John Russell was understood to say, that government would take the matter into consideration, and the subject then dropped.

## AGRICULTURAL DISTRESS.

MAY 25, 1835.

The Marquis of Chandos having moved an address to the Throne, relative to the distressed state of the agricultural districts, and Lord John Russell having replied—

SIR ROBERT PEEL (rising after Lord Arthur Lennox) could not regret that he had given the noble lord an opportunity of venting his feelings, which were very natural, and reflected honour upon him. He was perfectly convinced that the hon. member for Oldham (Mr. Cobbett) must have laboured under some misapprehension of what he had heard with respect to the noble duke alluded to, and the motives by which he was actuated; for he (Sir Robert Peel) felt himself bound to say, that the extensive experience which he had had of the noble duke in his parliamentary career, had completely satisfied him that his character was of that nature that the imputation which had been cast upon it must be totally unfounded. The noble duke might differ from the hon. member for Oldham with respect to the policy of the poor-laws, but as to the motives of the difference, the noble duke was above all suspicion. He would, however, proceed to the question that was before the House, and he was sorry to say that many subjects had been introduced into it which, although bearing on the condition of the poor (and, if the question was upon the general state of the agriculturist, proper to be introduced), yet could not, when their importance was

considered, with any advantage to the question under debate, be introduced into a desultory discussion. The most prominent of these irrelative topics was the operation of the poor-laws, and the probable effects of the poor-law amendment act of last session. Another of the topics that had been introduced was the state of the currency, another was the commutation of tithes; each had been interwoven with the state of agricultural distress—each was a subject in itself of immense importance, and requiring a separate discussion, and no advantage could arise to any one of them in having it mixed up with the question now before the House. With reference to the currency question, it was admitted on all sides that the subject was one of immense importance, and that it ought to be the object of a separate discussion, and accordingly notice had been given of a distinct and regular motion upon the question of the currency. He hoped that whatever hon. member brought the subject forward for discussion, would at the same time bring forward his plan for relieving the country from the evils that were said to arise from the law as it then stood. That House had heard many declamations on the evil state of the currency. One hon. member had said, “something must be done on the subject.” Then came some other hon. member, and said, “the matter never can be allowed to rest where it was.” Now he hoped that all such gentlemen would in future go one step further, and at once tell the House what specific alterations they would wish to have introduced. Would these hon. members propose to introduce a paper currency, an unlimited paper currency, not convertible into gold? Would they, on the other hand, wish to introduce a debasement of the standard? Would they wish to propose a re-adjustment of contracts? And if they did, then would he ask, of what contracts? Of contracts made within what periods? These were the matters which hon. members ought fairly to bring forward, nor ought they to discuss the evils arising from the alteration of the currency without, at the same time, discussing the different measures of relief. The hon. member for Oldham had that night stood forward as the advocate of the agricultural interests. In that, at least, the hon. member was consistent, for throughout all his life he had supported the same cause. But how did he purpose to benefit the cause? He had looked back into the paper of notices of motions, and he there found that the hon. member for Oldham had a motion on the books no longer ago than last July, the principle of which was that they do what they like with the currency, but the whole charge of the national debt ought to be transferred to the land. Yes, the hon. member for Oldham had said, that personal property was subject to very unfair burthens in being subject to the interest of the national debt; and his relief from this evil was, to subject land to the exclusive burthen. With respect to the poor-laws amendment act, he had gone into that question when the bill was before the House, and he had voted for the bill. He had never expected that the new system would be carried into effect without exciting local dissatisfaction; but he was bound to say that the dissatisfaction which had been excited had been much less than he had anticipated, and at all events it had not been sufficient to convince him of the impolicy of that important measure. Another question was the commutation of tithes. He trusted the noble lord would not persevere in his intention to transfer the question to a committee. He would most undoubtedly prefer that the noble lord should take time, and let the executive government consider it. Whether any of the three plans that had been proposed were to be pursued; whether the principles of the bill introduced in 1833; whether Lord Althorp’s plan of having the tithes converted into rents applicable to certain districts; or whether the House were to proceed upon the principle of a voluntary commutation, the plan which he had proposed, he would rather that the noble lord opposite should say that the executive government was determined to apply its mind to the measure than that it should be transferred to a select committee. He hoped that the noble lord would think the subject deserved to occupy the attention of government; for government had more means of inquiry into it than a committee, and he was convinced, whatever measure might be proposed, that ought to be proposed on the responsibility of government. He would now come to the object of his noble friend’s motion. His noble friend proposed that the House should agree to address the Crown to direct his Majesty’s ministers to consider the state of the agricultural interests, with reference to a view to its relief from general and from local taxation. With respect to general taxation, he could not but observe that the

House was discussing the question at a time at which, if no change had been effected in the financial prospects of the country, they had a surplus revenue so very small that no reduction of taxation could be ventured upon without causing more injury than benefit, and in the situation in which he stood he could not excite hopes in the agricultural interests which, as a minister of the Crown, he should never have thought of realizing. As Chancellor of the Exchequer, when he had anticipated that what was called the budget of the year would have to be proposed to the House by himself, he had assumed that the net available surplus, after providing for all that was chargeable for the debt and for the public services, which the general interests of the country compelled a minister to attend to, would be only £250,000. Under such circumstances, then, he could not now be a party to a resolution which would lead the agriculturists to believe that he contemplated any great reduction in the burthens of the country. He should always hold the opinions which he ever had held as to the great advantages of strictly maintaining public credit. A greater ultimate chance of relief would exist from the maintenance of public credit, by looking to a legitimate means of reducing the interest of the public debt, than by acting precipitately, and by relieving public burthens at the expense of endangering public credit. He believed that it would not be easy for any man to point out any one particular tax that fell exclusively upon the agriculturists. If the exception were the malt-tax, he must say that in the course of that session he had thought it his duty to dissent from the proposition to reduce that tax. He would for a moment suppose that there existed a greater surplus of revenue over expenditure than was contemplated, then, he asked, what tax ought he to remove? He need not discuss the amount of the surplus; but, supposing it to be of an amount that would authorize government to contemplate a greater reduction of taxes than was intended—supposing that government intended to make a greater reduction of taxes than the existing surplus of £250,000, and trust to a chance improvement of the revenue to fill up any deficiency—still should he find it difficult to select a tax to reduce or take off which fell exclusively on the landed interests. If it were conceded that a certain tax fell exclusively on the landed interests, still he should require time to consider whether he should benefit the landed interest more by taking off that direct tax than by removing some other that pressed injuriously, though indirectly, upon productive industry. He was not prepared to say, that there was not a tax or taxes in the whole system of taxation, the diminution of which might not benefit the landed interests, and he should take an opportunity of throwing this out for the consideration of the right hon. gentleman opposite, (the Chancellor of the Exchequer.) He would advise the right hon. gentleman to consider the operation of the auction duty. Whether there would be a superfluous revenue sufficient to enable the right hon. gentleman to make any reduction of that duty he could not say; but he was sure that the landed interests would derive great benefit from such a measure, nor could the revenue suffer much, for little of the auction duty was derived from the sale of landed estates, as it was the practice, in order to avoid the duty, to put up lands to sale by auction merely in order to ascertain their value, and afterwards to dispose of them by private contract. He would likewise advise the right hon. gentleman to take into consideration the state of the land-tax, with a view to making changes in the collecting of it. Then would come the question on the increase of the duty on spirit licences. He believed that the effect of the duty had been unjust in the extreme. This duty, as it then stood, had been imposed very late in the last session, when the parties interested in it had not had an opportunity of presenting their remonstrances against it. The tax upon the manufacture of glass he considered as peculiarly deserving of a favourable consideration; and there were many other taxes which he thought were also worthy of the attention of the government, with a view to reduce them with as little delay as the state of the finances of the country would permit. He entertained very strong doubts if a substantial relief afforded to those interests would not aid the landed interests more than any direct removal of agricultural duties. Under all the considerations in which he viewed this question, he confessed he did not feel justified in exciting expectations in the agricultural body, which he feared it would not be possible safely to realize. The last part of the subject to which he should refer was the local taxation. This, certainly, did bear heavily on the landed interests. At the same time that he was willing to afford every practical relief, he

did not consider it fair to excite in the minds of the landed interest any expectation that there was likely to be any material alleviation of their burdens. He looked upon it that a greater relief would be derived from a new valuation than from any transfer of taxation. The chief objection to a new valuation was the expense that it was supposed would attend it, which had been stated as high as forty or fifty thousand pounds for some counties; but in the county of Lancaster, where the expense was likely to be greater than in other counties, on account of the number of large towns, the valuation had been conducted with perfect satisfaction to all interests, and at a comparative small expense. The operation was simple, and appeared to have been conducted without exciting any great dissatisfaction, or leading to many appeals; so that in two counties,—one, most important for its manufactures—the other, for its agricultural produce—a new apportionment of the public burdens, in this particular, was made without dissatisfaction. He would, therefore, advise those interested in the county expenditure, to weigh maturely the evidence which had been given upon this subject—to ascertain whether such new valuation could be made through local means—and, if not, if it should be necessary to obtain an act of parliament for such a purpose, whether it might not be expedient to take that course, the object being to provide a new valuation of lands, with a view to ensure a more equal apportionment of the rates levied upon them, than was now made. The relief he should have proposed to extend to agriculture, in the course of the present session, had he remained in office, would have been of very material benefit to it. He should have proposed to exempt the land altogether from the burden of the church-rates; for it appeared to him that, though land might be a proper subject of contribution, yet that the same circumstance which, as he apprehended, made the county-rate and the poor-rate fall with greater severity on the land than applied to the case of church-rates, also—namely, that personal property did not contribute its fair proportion to this tax. The amount of the church-rate, as calculated by Lord Althorp, was £550,000. Now, if the land were relieved of £300,000 of this amount, by doing away with charges which ought never to have been borne by the church-rate, and if the remaining £250,000 were transferred to the revenue of the country, there would be a relief to agriculture of not less than £550,000 on account of the church-rate; a relief, however, not exclusively to the land, but shared by all property now subject to the church-rate; because some proportion of the £550,000 was raised upon houses and other property, as well as the land. The noble lord had alluded to the recommendation of the committee as respected local taxation for bridges, roads, and other local improvements. There was a difficulty, he apprehended, in transferring from the county-rates any charges connected with the ordinary public local interests. He would not advise, for example, that charges for bridges, for roads, for the maintenance of the poor, or for any of those objects which might be better administered under local supervision, should be paid out of any other funds; for he thought, even apart from any considerations of public economy, that it would be wrong to transfer such supervision from the hands of county magistrates and gentlemen, who, being directly interested in these services, were more likely than other officers to carry them into complete effect. There ought to be limits assigned to the system of centralization. It was very well to say that government would employ men of high reputation, who would do the several descriptions of work at a less expense; but he believed that the ultimate effect of these central boards would be to withdraw the local expenditure from the honest supervision of the local authorities, to the great disadvantage of the public; and that the country would be thus involved in great additional expense for the management of local affairs. But there was one purpose to which local taxation was now applied, which stood distinct from all the rest, and one which might be undertaken by the government to the profit of the whole community—he meant the administration of the criminal justice of the country. The noble lord truly stated, that it was proposed by the committee of last year, to relieve the county-rates from the charges on account of criminal trials at the assizes; and to leave them subject only to the charges for criminal trials at the quarter-sessions. But the noble lord added—and justly—that there would be great caution required in the adoption of such a measure, in order to prevent the county magistrates (who, of course, would be interested in diminishing the local expenditure) from transferring a more than due share of this expense from the county funds,

by making committals for trial at the assizes, which ought properly to take place at the quarter-sessions. In order to remedy this, the noble lord proposed to take the aggregate of the expense of the two descriptions of trial, and make a division of it, so that one moiety shall be borne by the county and the other by the public. But, considering that the whole cost of trials at the quarter-sessions did not amount to more than £78,000, he trusted that the noble lord would conclude with him, that it was better to make no distinction between the two items, but to transfer the whole expense of the administration of criminal justice to the public. That expense would amount to not more than £150,000 in the aggregate a-year; and this expense should be kept down by introducing every economical arrangement possible, consistently with the exigencies of justice, such as in the allowance to witnesses, and the number of counsel to be employed; and by placing the whole system upon one intelligible plan. It was extremely difficult to draw a line between cases which properly belonged to the assizes, or properly belonging to quarter-sessions. The principle was the same, however, as to such arrangements with regard to both; and he believed there would be a greater inducement to economy by taking the whole of the charge upon the state, than if they left one part of it to be defrayed by the state, and another by the county. The removal of offenders, after conviction, certainly could be conducted at a less expense by these means, and thus the county would be relieved of a considerable burden, without subjecting the public to an equivalent charge. Government would act, in short, as to these matters, upon a combined plan; whereas each county adopted a different course—one conveying them by boats, and another by public carriages, to the annoyance of all other passengers. He was sure that any one who had happened to share a coach with convicts under sentence, would be ready to agree with him, that this practice ought to be done away with. By contracting upon a large scale, this business of conveyance would not only be conducted at a less expense, but such a scandal as that would be altogether avoided. The motives of economy and discipline, as well as the proper enforcement of the law, should operate with the government to induce them to adopt this course of proceeding. He was inclined strongly to advise that the whole of the charges connected with the administration of criminal justice, should be undertaken by the government, not merely with a view to relieve the county of its local expenditure on that account, but with a view of giving government the whole control of it. There was, at present, no part of our judicial system over which the government had so little, and ought to have so strict, a control. It would be better to make a gradual trial of this plan, in order that the government might feel its way before finally embarking upon it. There were more powerful reasons for its adoption than the prospect of relieving the country from the charge. It would have a tendency to prevent compromises on the part of the prosecutors, as well as frivolous and vexatious prosecutions. This, therefore, was the extent of the remission of taxation he was disposed to advise. It was one which, he must admit, if carried into effect, would have exceeded the amount of the surplus of the year's revenue; but he considered that some of the other taxes might have been increased, without at all endangering the public confidence, if this experiment had been carried into effect. These were the general views on which he was disposed to act. The resolution of the noble lord did not, he observed, point to any particular amount of reduction. It left that matter still open for consideration; but it distinctly encouraged the hope that it was the intention of the House, when called on to discuss the subject of local taxation, to give every practical relief that could be afforded to the landed interest consistent with the maintenance of public credit. If his noble friend would take his advice, he should be satisfied to obtain, on the part of his Majesty's ministers, an admission of the general principle—without pressing the matter of his Resolution to a division. His noble friend had better let the Chancellor of the Exchequer state, officially, what the amount of the available surplus was, and what proposition he had to make unconnected with general taxation, and then submit a specific motion with respect to local expenditure, reserving to himself the right of afterwards pressing the remission of any particular tax. If his noble friend did not take that course—he, for one, was bound to say that he could not acquiesce in the motion—thinking it open to the objection of exciting too great hopes on the part of the agricultural interests. He sympathized with their distresses as deeply as any

man, but he was not willing to aggravate them—as they would be aggravated—by the excitement of hopes which could not be realized consistently with the maintenance of the public credit.

The original motion was negatived, and an amendment proposed by Lord John Russell, for referring the matter to a committee, substituted in its stead.

AGRICULTURAL DISTRESS—A SILVER STANDARD.

JUNE 1, 1835.

Mr. Cayley, at the conclusion of a very elaborate speech, moved, “That a Select Committee be appointed to inquire if there be not effectual means within the reach of Parliament to afford substantial relief to the agriculture of the United Kingdom, and especially to recommend to its attention the subject of a silver, or a conjoined standard of silver and gold.

SIR ROBERT PEEL said: I feel it my duty to take my share of any unpopularity that may attach to the refusal of this committee. The hon. gentleman who has just spoken (Mr. Richards), has made a strong appeal to the feelings of the House, and has expatiated on the distress of the agricultural interest—which distress I admit. The hon. gentleman also dwells on the hardships of a refusal to inquire into the distress. But, Sir, the hon. gentleman knows, as well as I do, that the main object of this motion is not inquiry into that distress; but that the purpose of it—not avowed in direct terms, but in the escape of those candid confessions which have fallen unawares from every speaker in its favour—is the depreciation of the standard of the currency. By every gentleman who has spoken, it is admitted, that, try what remedies you please, unless you give relief to the productive classes, by diminishing the fixed and permanent burdens of the country, through an alteration of the standard, no other remedy will give relief. What is the natural inference to be drawn from this language, but that depreciation is intended? If I resist the granting of a Committee of Inquiry into agricultural distress, it is because I know that no effectual relief would result from it. We had, in 1832, a committee fully and fairly appointed on this very subject. They directed their best attention to the state of the agricultural interest. Every possible evidence was afforded to that committee. That evidence received the amplest consideration, and the result was, that the committee tendered their advice to the House, that they should, above all other things, abstain from interfering with the currency of the country. The hon. member has referred to the bill of 1819, and has again kindly attempted to relieve me from the responsibility attached to that measure. He says, that those who are convinced of their errors, ought to be candid enough to admit them. I do not deny the proposition of the hon. gentleman; but there can be no reason why persons not believing themselves in error, are to be called upon to make confessions of repentance. That the bill of 1819 did increase the distress of the country to a certain degree, I do not deny; but it was utterly impossible to escape from the evils of an inconvertible paper currency, continued for above twenty years, without the infliction of some pressure and distress on the country. The question was, whether we should submit to a temporary evil and occasional injustice, which a return to a better system of currency would at first produce, or continue and persevere in a course which would ultimately lead to ruin? It is not just to attribute to the Act of 1819 the whole of that reduction in prices, which has taken place in agricultural, and, in fact, in almost every other description of produce. There was, certainly, concurrently with the resumption of cash payments, a great reduction in prices, and the distress of the agriculturists was, in part, aggravated by that reduction. But a great reduction in the price of agricultural produce was inevitable, even if cash payments had not been resumed. It must have followed the cessation of that monopoly which had been enjoyed by agriculturists during the war,—the cessation of that stimulus to agricultural speculation, which was peculiarly the effect of a war, such as that in which this country was engaged from 1793 to 1815. The return of peace, had there been no inconvertible paper currency, no practical depreciation of the standard during the war, must have materially affected the agricultural interests. Nearly concurrently with the return

of peace, the restoration of the standard took place. It aggravated, to a certain extent, the pressure which arose from another cause that came into simultaneous operation; but many assigned the whole effect to the restoration of the standard, and will make no allowance for the consequences of the other and more powerful agent, in the reduction of prices, and in the disappointment of those who had speculated on their continuance. The question to-night, is not whether we shall inquire into agricultural distress, but whether we shall now attempt to remedy the alleged evils caused by the bill of 1819. The mode by which relief can be given, must either be by returning to an inconvertible paper currency, or by a depreciation of the standard. The first method is disclaimed by many, the whole tenor of whose reasoning is in its favour; the second, if it were a just measure, and an expedient one, could only be enforced, with any prospect of advantage, by some sudden act of authority, which should leave no time for deliberation as to its probable results. Under a perfectly despotic form of government, a depreciation of the standard may take place, which, no doubt, will inflict injustice on all creditors, but need not cause that utter confusion in all commercial dealings, which would be the inevitable result of depreciation adopted after long previous warning of the intention to depreciate, and as the result of a protracted investigation before a committee. The hon. gentleman who has just spoken, being aware of this evil, says—"Let us have a committee, the result of which shall never be known to the public." There certainly can be no objection to a committee which is never to have a result. The hon. gentleman corrects me, and says he means that the proceedings in the committee should not be known. But I say, that it is the expectation of the result that would agitate the public mind. It is of no use to conceal the daily proceedings of the committee from the public, if you let them know beforehand the end you have in view. If depreciation is to be the result of the inquiry, it is useless to conceal the progress of the inquiry from the public. If the public mind is led to expect that, after three months' sitting, the result of the committee will be a depreciation of the standard, of what avail will it be that the committee should conduct in secret the inquiries which are to lead to that result? What would be the case of every debtor and creditor, if the public knew that the payment of existing debts would be placed on a different footing after the lapse of a given time?—that debts contracted in one currency were to be paid in another? Does the hon. gentleman expect that any transaction would take place in the mean time? Does he not know that the result would be the demand of every debt which could be promptly demanded,—a total paralysis of commerce,—and a total cessation of all dealings on credit? The hon. gentleman asks, why we have so much pity for the creditor, and none for the debtor? and argues, in the same spirit which dictates the question, that creditors are generally rich men, and entitled to a smaller share of indulgence. Now, can such a proposition be generally affirmed as to creditors throughout the country? Every person who has advanced money to the public, from confidence in the public faith—every one entering into any commercial transaction where money is not forthwith paid—is a creditor; liable to be affected in the recovery of a just demand by a depreciation of the standard. How absurd to class all creditors together, and to disregard their interests on the assumption that they are comparatively a rich body? The hon. gentleman who made the motion, employed rather a curious argument. He maintains that the person who has speculated in the purchase of land, has as good a right to expect an adequate return, as he who employs an equal amount of capital in the public funds. But is there not a palpable difference between the two transactions? The latter lends a thousand pounds to the public, and the public credit is pledged to him for the repayment of his debt; in the case of the former, it is a mere speculation, without any guarantee against failure given to him by the public. It shows a great confusion of ideas to place a mere pecuniary speculation on the same footing with a positive contract, and to contend that I have the same right to be guaranteed against loss when I make a purchase, as I have when I lend money with a promise of repayment. I affirmed that the express object of the hon. gentleman (Mr. Richards—of my hon. friend, if he will allow me so to call him)—is a depreciation of the currency. My hon. friend does not admit this—but what did he mean when he said that the hon. member for Wiltshire has thrown greater light on the effect of this measure than any body else? What was the light, thus thrown by the member for



Wiltshire, illustrating so clearly the consequences of his motion? It was this, that the agricultural interest would be benefited, because the fixed engagements and incumbrances of this country would be diminished. But how could they be diminished in this sense, excepting by discharging them in a depreciated currency? Well, indeed, may my hon. friend say, that the member for Wiltshire has stripped the motion of its false colours, and exhibited it in its true light. This proposition, so far as currency is concerned, directs itself to one or other of two objects: either it has in view the correction of the defects of the existing system of currency apart from any project of depreciation, or it means to give relief to the debtor by a depreciation of the standard, and a diminution, *pro tanto*, of the public burthens caused by the amount of the national debt. Let us examine separately each of these objects, and submit each to the test of fair reasoning. First, then, is there any defect in our existing monetary system? I remember it was prophesied, that if we returned to what was called the antiquated standard, there would be an end of the commerce of the country; but I have seen, that since the resumption of that antiquated standard, the commerce and manufacture of the country have been carried on to a much greater extent than at any former period. I repeat, that under the present monetary system, there has been a greater amount of commercial transactions—there has been more manufacturing industry employed—a greater export trade—a greater spirit of local improvement—than at any former period; even than at that of inconvertible paper. I do not apprehend that the state of our manufactures is such as to require any change in the monetary system of the country, and I cannot conceive what interest the agriculturist can have in lowering the standard, apart from the consideration of relief from debt by depreciation. I am keeping that matter distinct. It is said, indeed, that all interests prosper under a constantly depreciated currency; and the opinion of Mr. Hume has been referred to in support of such a position. But no sane man—much less a philosopher of the acuteness and intelligence of Mr. Hume—could ever have meant to advocate the constant and indefinite depreciation of the standard. Mr. Hume was speaking of the stimulus to trade which progressive reduction in the value of the precious metals would afford; but this is a matter totally distinct from actual depreciation of the standard by authority. If such depreciation is to be indefinite, where, I would ask the hon. member, is such a system to find an end? If parliament were to make a declaration, not only that the standard shall be altered now, but that the value of the currency shall be continually lowered by a constant future depreciation, it would be tantamount to a declaration, that there shall be no credit, and no commercial dealing in this country. If paper is not to be inconvertible, and if there is to be no depreciation of the standard, what separate interest can agriculture have in a change of the monetary system—and why connect the proposal for a change with inquiry into agricultural distress? Some gentlemen indeed argue, that a silver is, abstractedly, preferable to a gold standard; and there might, possibly, be some reason for that preference, if the whole matter were *res integra*, and we had now to choose, unfettered by any previous choice, between a gold and a silver standard. But suppose we had adopted a silver standard in the year 1819, and made paper convertible into silver instead of gold, the same pressure and distress would have occurred as that which followed the resumption of the gold standard. I see no advantage in the substitution of a silver for a gold standard. It appears to me, that at present our system of currency is as nearly perfect as it can be. We have gold as a sole standard, and we use silver coin as a token. You coin a pound of silver into 66s. instead of 62s., the mint price, or 60s. the real price, at present; but you do not permit it to be a legal tender for any sum above 40s. Now, if we proceed to alter the currency, the first question would be, shall we have a double standard of gold and silver conjointly, or shall we simply alter our standard from gold to silver? I cannot see any advantage derivable from the institution of a double standard—you cannot make a double standard without first defining the ratio which is to exist between the nominal values of the two metals. To say that every man shall pay his debt in silver or gold, whichever he might please, without defining their relative value, would be absurd and impracticable. We might certainly have a double standard, defining the relative values of gold and silver, and leaving it to the option of a party who had money to pay, to make his payment either in gold or silver. But this very option seems defeating the object of a

standard, and introducing, unnecessarily, uncertainty into contracts. It appears to me a much less simple course than that of adhering to a single standard, and a course unaccompanied by any advantage countervailing the loss of simplicity. Gold and silver seem to have some necessary connexion, from being so frequently united in common parlance; but there is no more reason that they should be united in a standard, than that gold and lead, or gold and copper, should be so united. To unite two metals, the value of which is not in a fixed ratio, and cannot be, in a double standard, is to diminish the value and advantage of a standard. The more simple the standard the better—the very name implies unity and simplicity. It is the measure of value—and why not have one measure of value, as well as one measure of length or capacity? The hon. gentleman proposed to take silver as the standard, leaving gold to find its own value. I know that the subject is a dry one, and that the attempt to argue it, without having recourse to any exciting topics of party interest, must weary the patience of the House—but I will be as concise as possible. The hon. gentleman, then, is inclined to take silver as the standard, and to leave gold to find its own value, in the same way as copper, or lead, or coin, or any other article of commercial traffic. Now, what does he gain by this for agriculture? At what rate is silver to be estimated? At the former mint rate, 62s. to the pound, or at its present value in the market—namely, about 60s. to the pound? To take the silver standard at 66s., the rate at which the silver token circulates, would be barefaced depreciation of the standard, and certainly, if you are determined to depreciate your currency, the best and simplest mode of depreciation will be to do it openly and avowedly. Do not attempt to cover your design, but declare at once that the sovereign shall in future pass for 25s. or 30s., or any other sum you prefer. Such a plan would, at least, have this advantage—it would save the expense of calling in the present, and of issuing a new coinage. And it would also have another advantage—it would be doing that openly and fearlessly, if not honestly, that is often proposed to be done under other pretences. Whenever the House shall determine upon a depreciation of the standard of value—or, in other words, whenever you determine that the public creditor shall be defrauded, and that the debtor shall not pay what he has engaged to pay,—depend upon it, the best and simplest mode will be to say, that the sovereign shall remain a sovereign in name, but that it shall pass current for a larger amount than 20s. To adopt 66s. for the value of silver as a standard, because it has now that value as a token, would, I again repeat it, be a clear depreciation of the standard. I do not, however, understand that the hon. member is for taking 66s. as his standard for silver, when the price of silver is at present only about 60s. The sole object for which the hon. member professes to want his committee is, to inquire whether it is expedient to substitute silver at 60s. or 62s. as a standard, instead of gold at £3 : 17 : 10½ the ounce. To estimate silver as a standard at 62s. when its value is only 60s., would be depreciation on a small scale. The gain would be hardly worth the odium. If depreciation be disavowed altogether—and if silver be adopted as a standard at its present market value in relation to gold—I doubt whether the hon. gentleman would make a good bargain, even with his own views of a good bargain, for the agriculturist. I doubt it, because, if the substitution of the standard took place, there would be an immediate rise in the value of silver. Those who are the most opposed to the principle of the Act of 1819, should be the persons least sanguine in their expectations of great benefits to be derived from the substitution at present of a silver for a gold standard. If silver be substituted for gold as a standard, there must be, according to their doctrines, a material rise in the price of silver. Gold, being no longer required for coin, might leave the country, and might be depreciated in value,—for England would not then want the millions of gold which are now necessary for its circulation. Silver, on the other hand, being wanted instead of gold, having been substituted as the standard—as the sole legal tender—England would appear in the market as a purchaser of silver, which would therefore be more in demand, and would consequently rise in price. If this should be the case to any extent whatever, where would be the relief, to the debtor or mortgager, from an alteration in the standard? It may be said that there is a greater probability that silver will fall in value, on account of increased production from the mines, than that gold will. I doubt, however, whether a reference to the productiveness of mines, would not prove that gold has

been of late years produced, relatively, in much greater quantities than silver. If hon. members will consult the works of Baron Humboldt,—if they will advert to the returns, imperfect as they must be, obtained from our consuls and diplomatic agents in South America,—if they will look at the statements contained in Mr. Jacob's work,—they will probably see reason to doubt whether gold is not now produced, taking into account the new supply from North America, from Russia, and from Siberia, in larger quantities, relatively to silver, than it has been heretofore. I doubt whether the hon. member, if he were to obtain his object of introducing, not a conjoint, but a silver standard, singly, at the present rate of silver, would not find that his efforts had been productive of more harm than good to the interests which he hopes to serve; and whether he would not, ere long, be awakened to the conviction, that he had made a worse bargain for those of the agriculturists who are suffering from debts and incumbrances, than that which exists at present. So much for alteration of the standard of value unconnected with depreciation. Now, let us consider it in connection with depreciation. By depreciating the standard, the prices of all commodities would be raised; the agriculturist would receive a greater price for the corn which he has to sell, but he will also have to pay a greater price for all the articles which he has to purchase for himself and his family; and thus the apparent and nominal advantages which he would reap as a seller, will be counter-balanced by the greater prices which he will be obliged to pay as a purchaser. There is, however, one point in which he would undoubtedly be a gainer at first from the depreciation of the currency. The rate of labour would, for a time—perhaps a considerable time—be lower; but in that case who would be the sufferer? Who but the agricultural labourer? I say, the sufferer by the depreciation of the currency is sure to be the labourer. The rate of wages would not be increased simultaneously with the reduced value of money. I know the argument that is used with regard to the general prosperity which is to revisit the land, and the demand for labour which would be the consequence of it: I know that the advocates of depreciation attempt to supply the deficiency of their arguments by the magnificence of their prophecies; but the truth is, the price of labour does not vary so rapidly as the price of commodities; and, depend upon it, that the first and chief sufferer by depreciation of the currency is he who is supported by the wages of manual labour. All, then, that the agriculturist would gain from depreciating the standard, would be the amount of his savings by defrauding the public creditor, and pinching the agricultural labourer. “But,” said the hon. gentleman, “the agricultural interest has a claim to the advantages which may arise from depreciating the currency, and from diminishing the pressure of the public burthens; because the members of it contracted their debts in one currency, and are now called upon to pay them in another.” Much has been said of the injustice done to those who, having made their engagements in depreciated, were called upon to fulfil them in an improved, currency; and no doubt there has been hardship in peculiar cases: but was it possible to devise any just scheme of general adjustment? It clearly is not fair to take one period only into account, or one class of sufferers from fluctuations in the value of the currency. If there is to be an attempt at the equitable adjustment of contracts, it must be on a very comprehensive principle, and extend over a very long period. We hear much of the injustice inflicted on the man who, having borrowed money during the period of a depreciated currency, has been called upon to repay it in one of increased value. But what say you to the case of those who, having lent money previously to the year 1797—that is, previously to the suspension of cash payments—were compelled to receive their principal or their interest in that very currency, the depreciation of which is said to have been so great? Were not they, at least, as great sufferers as the others? and can you open one of these accounts for equitable adjustment, and close the other? The question is,—“Can justice be done, now, by altering the arrangement to which Parliament came in the year 1819?” In 1819? No, I have already said, that that arrangement was decided on by Parliament in the year 1816. I repeat, that the arrangement was, in reality, made in 1816. I do not mean that cash payments were legally established in 1816; but I mean that, owing to natural causes, in consequence of the return of peace—the cessation of the stimulus of war—the free intercourse in all commodities—and the improvement in machinery, common to all manufacturing countries—that reduction of

prices, and that contraction of currency, took place in 1816, which are attributed almost exclusively to the Act of 1819. It is necessary to separate the operation of that bill from these effects, which were produced by the natural causes which I have enumerated, and by the engagement into which Parliament had entered, to revert to cash payments on the conclusion of peace. Nineteen years have now elapsed since 1816, and, with trifling exceptions, all contracts now in existence were formed under the existing system of currency, and in full confidence that this system would be continued. Those who formed them had not only the faith of ordinary law to depend on, but had also the knowledge that repeated attempts were made in this House to obtain an alteration of that law, and were as repeatedly resisted and refused. The Act for the actual resumption of cash payments passed in 1819. In 1821, the House came to a solemn resolution, that it would not consent to any alteration in the standard. In 1826, it repeated that declaration; and, again, in 1833. What justice then, I ask, would there be in now depreciating the standard, and in making all contracts formed since 1819 conform to a depreciated currency? So far from redressing any injustice inflicted by former fluctuations, how many parties are there who would be double sufferers—who have closed the transactions—who have paid the debts in respect to which the former hardship was sustained—and have entered into new contracts, by the derangement of which they would again suffer? How small a portion of the contracts formed before 1816 remain now unfulfilled, compared with the number which have been formed since? In how many cases, to which law did not reach,—leases, for instance, and contracts for fixed payments,—has compensation been made by voluntary compacts between the parties? What injustice would you not inflict on those who have entered into contracts on the faith of your acts and of your resolutions, solemnly made and as solemnly reiterated, if you now compel the derangement of them, by depreciating the currency in which they were formed? For these considerations, and without troubling the House by the introduction of extraneous topics—believing that the agriculturists have no real interest in the proposition, apart from a depreciation of the currency, and thereby robbing the public creditor—and feeling it to be inconsistent with the honour and integrity of the House of Commons to lend itself to any measure that would have that result,—I shall not permit the pretext of a vague inquiry into agricultural distress to blind me as to the real objects of this proposition, which is neither more nor less than, through a depreciation of the standard, to seek a relief which would not, I believe, be effectual; and which, if effectual, would, I am sure, be dishonest.

On a division, the numbers were—Ayes, 126; Noes, 216; majority, 90.

## THE BALLOT.

JUNE 2, 1835.

Mr. Grote having moved, "That it is the opinion of this House that the votes at elections for members of parliament should be taken by secret ballot," a long and animated discussion ensued, towards the close of which—

SIR ROBERT PEEL said, I shall detain the House but a very short time, it not being my wish to trespass on what I think is the very natural impatience of hon. members. After the utter exhaustion of argument, I think I should be the last person to protract the discussion by any attempt to go over the same beaten course. I have recently heard the very able speech made on the principle of this measure, by the noble lord, the member for Devonshire—the noble lord, the member for Stroud, which to my mind carried complete conviction. To that speech I attach particular importance; because, from his recent experience in a popular election, the noble lord must have gained such information as to enable him to pronounce a judgment well entitled to the consideration of the House; and that speech, accordingly, followed by the able and argumentative address of the noble lord, the member for Lancashire, completed the conviction which I entertained upon the principle of the ballot. At the same time that my conviction was derived from the able arguments of two noble lords who took the same view of the question, it was, if possible, strengthened by the utterly abortive attempts of two subsequent speakers

to weaken any one of their conclusions. One of those gentlemen who directed his attention to the subject, attaches great importance to it, and possesses considerable powers in debate; and sure I am that if the noble lord had taken up a false position, there is no man more competent than the hon. and learned gentleman to discover its weakness. Now, I ask any impartial man, whether the hon. and learned gentleman did succeed in shaking any one of his positions? I must say, that on this subject I should have been disposed to attach considerable weight to what fell from the hon. baronet. I pay him a sincere compliment when I say, that I am sure he delivered upon this question an opinion perfectly unbiassed by any party consideration; and his observations are peculiarly valuable, because he has, perhaps, had the longest experience of any man living in popular elections. Now, what did the hon. baronet admit? Why, that the speech of the noble lord, the member for Lancashire, had nearly convinced him, and that he had consequently been on the point of taking a different course to what he at first proposed. The hon. baronet further stated, that the anticipations of the advantages which would ensue from the introduction of the ballot, and the apprehensions as to the evils, were equally delusive, and that, in point of fact, we can neither gain nor lose any thing by its establishment. Then, sir, I ask why should we adopt a measure which is perfectly delusive? If, after all his experience of popular elections, it be his deliberate judgment that we have nothing to hope or fear from the ballot, does he not also see the great evil of adopting securities which he admits to be delusive? As to the argument of the hon. and learned member for Dublin, in reply to the noble lord, the member for Lancashire, what, he would ask, did it amount to? Why, in the first place, the hon. and learned member asserted that no pledge was ever given on the subject of the ballot during the discussion of the Reform Bill, that no such pledge could be quoted from the speeches of Lord Althorp, and that there was no pledge of honour on the part of those who supported Lord Grey's ministry in carrying reform, to prevent the legislature from now agreeing to establish the ballot. But did not the noble lord, the member for Lancashire, prove beyond the possibility of a doubt, that the government which brought forward the Reform Bill considered it as a final measure, and was determined to resist all further changes in the representative system? Could he bring forward a more cogent proof than that unanswerable extract from the speech of Lord Althorp, the leader of the House of Commons, and a witness the more unexceptionable, inasmuch as the opinions of the noble lord in an unreformed parliament were in favour of the ballot? The next objection of the hon. and learned gentleman was levelled at the quotation which the noble lord read from a letter in reference to America and the operation of the ballot system? The hon. and learned gentleman says, that in that case the ballot was not secret, but open. But what is the conclusion which we draw? That human nature overlooks all restrictions, and that the intention was to have a secret ballot, but that the influence of party was stronger than the operation of the law, and that parties became so deeply interested in the result of the election as to render all concealment impossible, and to put it to an end. The hon. gentleman has certainly, I must admit, brought forward his motion in the spirit which has been so justly characterized by the noble lord, the member for Lancashire, and delivered the speech introducing it not only with great ability but with exemplary temper. The hon. gentleman has, however, in the course of his able and eloquent speech, made one admission which, in my opinion, must prove fatal to the success of his proposition; for the hon. gentleman says that he would not—that it forms no part of the intention of his motion—exclude that which he designates as the really legal influence of property. He says that he thinks a man of property—a man of character—a man in whom confidence can be placed—will exercise, and ought to exercise, the influence which his position gives him over those who are his own neighbours, tenants, or dependents, even though the ballot should be in operation; but, if the hon. member thinks so, I ask him whether that is not directly contrary to the principle which is meant to be laid down by this motion? [Mr. Grote: "No, no."] Yes, but I contend that it is. By the introduction of the ballot it must be intended, or the argument of the hon. gentleman is worth nothing, that every individual voter shall take his own view of public affairs, and, having formed his own opinion, he must deliver his vote apart from influence or persuasion of any kind. If, then, the ballot

be efficacious at all, it must exclude that influence of property which the hon. gentleman says he desires to retain; would it not, then, be better to let voting remain, as at present, under the control of public opinion, than resort to secret voting, which must defeat the acknowledged efficacy of public opinion, as well as destroy the influence of property? The advocates of the ballot propose to confine that to the constituency, but why I know not. What is the difference in point of principle between the functions of the constituent body and the functions which the representatives of that constituent body are called upon to exercise? Are we inaccessible to the force of influence, or do we never, on many of the questions which come before us, act rather in conformity with party connection than upon abstract principle, in reference to their individual merits? Will it be said by any one member of this House, that, upon every question that comes before us, we act in accordance with the abstract merits of that question, without any view to party, or the existence of the ministers we wish to see in power? If we are to try every question by its abstract merits, I, for my own part, can see no reason why, if the ballot be considered good for the constituents, it should not also be good for the representatives, and why the ballot should not be introduced into the House of Commons. No doubt a vote by ballot might be given on purer principles than an open vote; but then you must, at the same time, take human nature into consideration, and make due allowance for its proneness to err. For my own part, I must say that I think the ballot would be, to say the least of it, inconvenient, and that it would not afford as much security for the proper exercise of the elective franchise as is given by acting in the face of day, subject to the control of public opinion. The influence of public opinion is the greatest security the country can have for the conduct of the representative body, and why it should not have an equally beneficial effect in the constituent body I certainly have yet to learn. But the hon. gentleman admits, if I apprehend him rightly, that in certain cases the ballot would be inefficacious. [Mr. Grote: "No."] In my view, the advantage of the ballot could at best be only partial; and the partial protection it would afford to a few, would be nothing as compared to the influence of public opinion over the great body of voters. I agree, sir, with the noble lord, the member for Lancashire, that we should not exclude the influence which property ought to possess; and I do not believe that the ballot would answer the expectations of its proposers if it were adopted. We cannot indeed exclude the influence of property consistently with the principles on which alone a monarchical government can be maintained; for, if the opinion of every man is to be considered as of equal weight, without reference to the influence of property, the result must be that the 40s. freeholder will have just as much influence over public affairs as the man who possesses ten, ay, a hundred, times his property and intelligence, and is infinitely more interested in the preservation of order. But, do what you will, I tell you that it is not in your power to exclude the influence of property; and I, therefore, am desirous that it should be exercised in the light of day, and under the control of public opinion. Now, sir, with respect to the manner in which it is proposed to meet this motion I shall offer only a very few remarks. The noble lord, the member for Stroud, is on principle opposed to the ballot. His Majesty's government intends to resist the motion; and where, then, is the necessity of not coming to a decision upon it at once? This is not a question which requires that we should wait for further information than we at present possess; and if we have experience enough to enable us to decide the matter now, where is the advantage of leaving it unsettled? By that course we preclude ourselves from nothing; for if new events should arise hereafter to induce us to alter our opinions, we shall be just as competent to deal with the question as if no discussion and no decision had ever taken place. If, then, we are opposed to the principle, what is the consequence of meeting it with a direct negative? By a direct negative all we affirm is that our minds are unconvinced, and that, instead of adopting a new experiment, we think proper to adhere to the present system; and this, I confess, appears to me to be the course which we ought to take. I come to the same conclusion as the noble lord, and feel averse from doing that which is calculated to delude the public into supposing that our opinion on this subject is not made up. We have, without allowing this question to remain unsettled, enough business on hand to occupy us for a long period; and am I unreasonable when I ask the House

to dispose of this motion at the present moment, and not to adopt a vote which must lead to an impression on the part of the public that we are undecided—that our minds are not yet made up about the matter. Under these circumstances, I hope the noble lord will act upon the impression with which he came down to his place this evening—that he will, as leader of his Majesty's government in that House, so far set an example as openly to avow the opinion of the government—that he will concur with us, who wish to meet the question with a direct negative, rather than agree to so inconvenient a proposition as that brought forward by the hon. gentleman, the member for Derbyshire. I do, sir, hope that the noble lord, sensible of the inconvenience of assenting to the proposition of the hon. gentleman, the member for Derbyshire, will now come to a negative or affirmative decision of the main question. Instead of voting for the previous question, I hope we shall give the motion a decided negative, and that the noble lord will add his authority to the decision, by voting with me at once against the proposition of the hon. member for the city of London.

The motion was negatived by 317 to 144; majority, 173.

## CORPORATION REFORM.

JUNE 5, 1835.

In the discussion arising out of Lord John Russell's motion, for leave to bring in a bill for the better regulation of Municipal Corporations in England and Wales—

SIR ROBERT PEEL said, although, sir, I have resolved to avail myself of every advantage in the discussion of this most important question, which additional time and opportunities of reference, not only to documents already in the possession of the House, but to others which are not yet laid before it, will afford me, and to decline entering, therefore, into any detailed discussion of the measure which the noble lord has this night proposed: yet, sir, on account of its vast importance, I should be unwilling to allow the motion to be put from the chair without a single observation having been offered on the subject except those contained in the speech of the noble lord. I shall make no opposition whatever to that motion; I shall throw not the slightest impediment in the way of the introduction of this bill—and, moreover, I am about to state opinions upon the subject of Municipal Reform generally—though not in immediate reference to this measure, the details of which are so important that each is entitled to separate discussion—which will prove that an opposition on my part to the introduction of this measure would be quite inconsistent with the opinions which I entertain.

Sir, when I look to the state of the population of the larger towns of this kingdom—when I contemplate the rapidity with which places, which at no remote period were inconsiderable villages, have, through manufacturing industry, started into life, and into great wealth and importance—when I look, too, to the imperfect provision which is now made for the preservation of order and the administration of justice in most of those towns—I cannot deny that the time has arrived when it is of the utmost importance to the well-being of society, to establish within societies so circumstanced a good system of municipal government. In some of these towns no permanent and regular provision is, at present, made for the maintenance of public order, and the general purposes of good government; in others, the provision which was originally intended to be made through the instrumentality of the corporate system, has become utterly inefficient for the purpose; and I am bound to admit, therefore, that on account of the change of circumstances, and on that account singly, there was ample ground for now considering whether such provision ought not to be made in towns not corporate; and whether in those towns which have corporations, the provision at present in force be not inadequate! Sir, I am bound also to state that, on referring as fully as I have been able to do since they were presented, and amid the great pressure of other business, to the reports on the state of corporations, the general impression left on my mind is, that, independently of the considerations above mentioned, the general purport of the evidence adduced before the commission, shows that the time is also arrived when it is necessary for parliament

to interfere for the purpose of providing some effectual checks against the abuses which have been proved to prevail in some of the corporate bodies in this country. I therefore, sir, without hesitation admit, that it is of the utmost importance to the well-being of society, that a good system of municipal government should be provided for the larger towns of this country, whether they be corporate or not, by the means of which the regular and pure administration of justice may be extended and secured, and the maintenance of public order promoted through the means of a well-regulated police. And, sir, after having made that admission, I think it follows, almost as a matter of course, that corporations, where they exist, ought to be made mainly instrumental in effecting those objects. To leave the corporations precisely on their present ground, and to establish new rates (where they may be necessary) for municipal purposes, by new laws to be now passed, making no new provision for the application of these revenues, placing them under the sole control of corporate bodies existing on the old principle, would have a great tendency to defeat the object in view. If we admit the fact, that the well-being of society requires the consideration of a good system of municipal government, it is impossible to exclude from simultaneous consideration the existing state of the corporate bodies themselves. I think parliament has a right to require, by laws to be now passed, that the revenues of these corporations, excepting where they are applied under particular bequests to special purposes, shall be henceforth devoted to public purposes connected with public municipal interests. I must say, that if I were a member of any corporation, so far from looking at this question in a mere narrow party light, I should feel a much greater interest, a much stronger, direct, personal, pecuniary interest, in seeing the corporate funds applied to public purposes, than in seeing them applied to any system of public feasting, or to any objects of mere electioneering and party interest. At the same time it is due to the existing corporations to admit at once, that while I have not the slightest objection to any new provision to be made by law which should impose some check on the appropriation of corporate revenues, such check will involve a new principle in law. The principle of the law hitherto has been, that these corporate bodies have had a legal right to apply their funds to other than public municipal purposes: they clearly had a right to apply their funds to corporate purposes as distinguished from municipal; and I apprehend that it has been ruled by the highest authorities, that excepting so far as the restraining statutes interfered with the powers of ecclesiastical corporations, the corporations of this country had a right to regulate at their discretion the application of their property, and even to alienate it, if they thought proper. The report made by the commissioners has not sufficiently referred to the principles of law in conformity with which the corporations have hitherto acted. I think, also, there is ground for complaint that this report involves all the corporations in too indiscriminate a censure, that it does not sufficiently point out the many cases in which corporations have acted honestly in the performance of their trust, but that it has thrown a general reflection on all corporations, in consequence of the abuse of their functions by a limited number. The noble lord did wisely in laying down the principle, that we had much better defer to a future opportunity any attempt to cite particular instances in which corporations may not have been justly dealt with. It is much more convenient on this occasion to refer to the general principle of the measure, than to enter into the consideration of any special and individual cases. The noble lord's precepts, however, were, as it often happens, much sounder than his practice. The noble lord said, he would not refer to instances of particular corporations; but scarcely had the words escaped the noble lord's lips, when he referred to some eight or ten corporations—not very impartially selected, I must say—and it is a little singular, that of those eight or ten corporations, the noble lord became acquainted with the circumstances of four-fifths of them by having access to documents which have not yet been laid before the House. We have had no report upon Norwich—we have had no report upon Bedford—we have had no report upon Oxford—we have had no report upon Cambridge—we have had no report upon Orford—we have had no report upon Aldborough—we have had no report upon Ipswich—and yet these are the cases which the noble lord has selected, and upon which he has mainly founded his argument. There is a double ground of complaint against the noble lord. He first takes the unfair advantage of quoting from documents to which he alone has had



access, thus precluding all answer or explanation, which a reference to those documents might possibly afford; and secondly, he selects the cases of corporations in which a particular class of political opinions predominate, thus warranting the inference, that the party in the state holding those opinions, had been specially, if not exclusively, the encouragers of corporate abuse.

The noble lord, in the playfulness of his fancy, sent down an antiquarian on an excursion to the eastern coast of this country, to examine with particular and special care into the cases of Aldborough and Orford. Now, I hope the antiquarian will travel into the interior; I hope he will not select the smallest boroughs in which to indulge his antiquarian propensities. I hope he will go to Derby. Yes, I hope he will go to Derby, and, moreover, I hope he will go to Portsmouth. I really wish the noble lord had not taken this course; I wish he had adhered to the rule he himself laid down, because it would have been infinitely better to discuss general principles without reference to particular cases; and above all, if there were to be references to particular cases, it should have been to cases, to the reports on which all sides of the House had had access equally, and which were a fair and impartial selection. Why, see to what an objection the noble lord lays himself fairly open. If these unpublished reports be important as illustrations of his arguments, why did the noble lord press forward this measure until those reports were completed? I seek no delay of this measure; but I must say, with reference to good government, and to the success of the municipal system about to be established, that I do hope his Majesty's government—if they should find on this side of the House that disposition which they seem not to have anticipated, to discuss this question fairly, without reference to its party bearings, but with a single view of providing a system of good government—I say, I do hope his Majesty's government will feel it to be important on a matter even more intimately connected with the peace and happiness of these towns than the Reform Bill itself, to afford most ample time for the mature deliberation of the details of this bill. If the noble lord deem those reports, which are not yet laid upon the table, to be important as illustrations of his own arguments, he ought at least to enable us to refer to the whole of them before we are called upon to decide on the details of the measure. I again repeat, that I wish the noble lord had not made a partial speech. If the noble lord looks to the facts of the case, he will find nothing in the corporations of Aldborough or Orford which will make them more open to his comments, than corporations over which his own political friends have exercised an influence. I am quite aware of the observation in reply, to which I expose myself; I am quite aware that if I show that no class of political opinions, whether professedly Liberal or Conservative, is a guarantee against the exercise of undue influence, that I am only fortifying the general argument in favour of reform. No doubt this is the case. The more general perversion of corporate privileges, the greater the necessity for correction; but let us have the case fairly stated—let us acknowledge the truth, that Tory corporations are not the only ones to blame. The noble lord forces me to offer him a specimen, and it shall be but a specimen, of Whig, pure Whig, corporations; I am sure it escaped his recollection, and I therefore invite him to refresh his memory by referring to the report on Derby. We find it stated in the case of the corporation of Derby, that whenever they thought the number of freemen in their interest was "getting low," the mayor, or some other influential member of the corporation, applied to the agents of the Cavendish family, and requested a list of the names of persons to be admitted as "honorary freemen." The corporation took this course, because they wished to avail themselves of the interest of the Cavendish family over the freemen so admitted. On the last occasion when honorary freemen were made, almost all of them were tenants of his grace the Duke of Devonshire. The agent of his grace paid the fees on the admission of the honorary freemen. Without the creation of such freemen, it was said the corporation "could not have kept the Tories quiet—they would have been restless." Now we are not so intolerant here, I am sure, as to presume that our own opinions, or our own acts, must be exactly right, and those of every one else wrong; but if this corporation report had stated that a Tory nobleman had nominated all the freemen, and had paid for their freedom, and that the excuse was, that without doing so they could not have kept the Reformers quiet—the Reformers ("who were very restless,")—what a burst of vehement indignation would have been raised in this House against

such an abuse of corporate privileges! I have not the slightest intention of following the noble lord's example in detail. As for myself and the corporation of Tamworth, with which I have the honour to be connected, we have no reason to shrink from any inquiry. As far as that truly honourable corporation is concerned, the report is most satisfactory. It gives to the corporation, both in respect to the selection of members and all its proceedings, unqualified praise.

I will not follow the noble lord by detailing many cases of Whig abuse; but there is one other corporation of which I must remind the noble lord. The antiquarian must not omit in the course of his excursion to pay a friendly visit to Portsmouth. (Mr. Bonham Carter bowed, which occasioned much laughter.) "In Portsmouth," say the commissioners, "it can hardly be necessary to point out the complete closeness of the system. For a long series of years it has been exercised with the undisguised purpose of confining the whole municipal and political power to a particular party, and almost to a particular family, and (as the report justly observes) it has been found perfectly efficacious in its operation." "That no instances can be traced of municipal corruption, seems attributable, not to any correcting principle in the system, but merely to the absence of evil intentions in those who had accidentally been placed at its head." Now, if I were to choose a corporation in the neighbourhood of which I, as an individual not interested in the honest application of corporate property, and fond of good living, should like to reside, the corporation of Portsmouth is the one, of all others, on which, without a moment's hesitation, my choice would fall. [Mr. Bonham Carter expressed his dissent.] The hon. gentleman shakes his head; let me beg his attention to the facts stated by the commissioners, with reference to that corporation. Their revenues are, I think, £600 or £700 a-year, of which about £450 is annually expended in feasts. Here is the account:—"The feasts," say the commissioners, "are rather more expensive this year than in ordinary years." Now, here let me ask the House in what year they supposed it was that the expense of feasting was particularly heavy? Why, no less than the great era of reform. "On the occasion of the accession of his present Majesty, £41, 9s. was spent in refreshment for the party attending the proclamation, and in the year 1830 the sum of £108, 10s. was expended on a dinner given on the election of the representatives—which expense, says the report, was defrayed on former occasions by the members themselves. The annual average expense of feasts from 1824 to 1831, inclusively, was £447. An account was given to us, showing that the average income during that time, accruing from dividends and rents, was £600." Now I have proved, I think, beyond a doubt, that in the whole kingdom there is not a more hospitable corporation than this, at least in proportion to their means; for out of an income not exceeding £600, the annual average expenditure on the rites of hospitality is no less than £447. But mark the attachment of the members of this corporation to the great principles upon which the Reform act was founded. Nothing can more clearly show their devotion to reform, than the special exception which they make in 1830 from their former usages, and the increased hospitality in which they indulged at the era of reform. Then it is that they add a new item to their expenditure, and pay £108, 10s. for an election dinner, the charge for which has been heretofore defrayed by the members themselves.

Mr. Francis Baring said, as we understood, that he had paid his share of the expense.

Sir Robert Peel: Here is the report, in which the whole matter is set down.

Mr. Bonham Carter: It is a very faithful report.

Sir Robert Peel continued—£41, 9s. was sufficient for a feast on the occasion of his Majesty's accession, but no less a sum than £108 was expended on a dinner to the representatives on their election. The hon. gentleman says, that this report is a faithful report, and he, no doubt, has repaid to the corporation his share of the money. I shall say nothing in regard to the corporation of Nottingham, or any other corporation; nor, indeed, should I have alluded to that of Portsmouth, but for the purpose of showing that neither the noble lord, nor any other person, ought to attempt to visit upon any one party exclusively, the abuses which have existed in corporations.

But the better course is to look to the future; and I, as one of the Conservative

party, strongly advise all members of corporations readily and willingly to concur in an amendment of the existing system—to relinquish the influence that they may have derived from the control over corporate funds and charitable trusts; but upon this express condition—that the reform be a sincere, *bona fide* reform—that it be not a mere pretext for transferring power from one party in the state to another; that the object aimed at shall be a good system of municipal government—taking security, as far as security upon such a subject can be taken, that the really intelligent and respectable portion of the community of each town be called to the administration of municipal affairs; and guarding against the future application of the charitable or corporate funds to any other than charitable or public purposes. If this be the avowed and the real object of the new measure, I for one shall be disposed to give a favourable consideration to its general principles, and will co-operate cheerfully in the amendment of its details; but if, under the specious pretext of amendment, it shall be merely calculated not to extirpate, but to transfer the abuse of power—to extinguish one political party and to elevate another—then I shall consider the bill a great public evil, aggravating and confirming and perpetuating every existing abuse. I do not object to the principle, that corporate revenues shall be applied strictly to public municipal purposes—I do not object to the principle, that those who administer those revenues, and exercise corporate authority, shall execute their trust under the control of popular opinion. If, after admitting the leading principles, I suggest delay in the further consideration of this subject, I make the suggestion with no sinister view, and from no motive but a desire for the successful working of the new system. A great question of this kind, so complex in its details, and so very important in its principle, should not be hastily discussed. It requires long and deliberate investigation; and a little delay would not be misplaced in such a case. Great questions are never fully or successfully matured by a hurried process; their perfection is only the work of caution, time, and care.

I beg to advert briefly to one or two points in the noble lord's measure. He says the right of suffrage is to be invested in the rate-payers. ["No," from the Ministerial side.] Well, in the rate-payers being householders, and subject to certain conditions of residence and payment of rates. He does not invest it exclusively in the £10 householders. He would allow every one, no matter what the amount of his qualification be, a vote in the election of the governing body of the town, provided he be a resident rate-payer. The qualification of the constituent body is of course a most important element in the question. So is the frequency of elections. How often are they to take place? Every one who had respect for the good order of society, and was anxious to prevent personal collisions and animosities, which were unhappily consequent on elections, should be anxious to avoid too frequent occasions for these popular ferments. Corporate reform may be a very desirable and beneficial measure; but I trust we can procure the advantage of it at a cheaper rate than the sacrifice of the harmony, and good will, and social concord of the societies to which it is to be applied. If there is to be a perpetual conflict of political principle in every town—a constant revival of bitter animosities, with all the concomitant evils of popular elections—the result may be—the exclusion of men of intelligence and respectability from corporate functions—a bad administration of corporate authority—and destruction to all friendly intercourse and social happiness among men of different parties in the same town.

I give no opinion at present upon the nature of the qualification which the noble lord proposes for the constituent body. If he had taken the £10 franchise as the qualification, he would have had the same means of ascertaining the actual right to vote, which exists in the case of elections for members of parliament, namely, registration of the voter. If he takes a different franchise, there must still be some check upon the exercise of it—some means of proving that the right claimed is really possessed by the party claiming it. If the noble lord's plan be adopted, there will be in each borough town three different popular bodies entitled to vote in public matters. The vestry, controlling the expenditure of the poor-rates—the £10 householders, electing the members of parliament—and the body of householders, who will be entitled to vote for the common council and corporate officers. This seems, at first sight at least, a complicated and not very satisfactory arrangement.

Another important point, and one which will require very deliberate attention, is,

the fixing of the limits of the new corporate jurisdiction in all cases wherein the limits of the existing corporate authority are unsuitable. By whom are the new limits to be determined on? Are they to be co-extensive in all cases with the limits of the borough under the reform bill? And if not, what authority shall decide on the exceptions to be made—and on the precise degree to which the old limits shall be extended? If the new common council is to have the authority of imposing additional rates for municipal purposes, this question of limits will be a most important one, and one of very difficult settlement. It will occasionally be embarrassed by the existence of local acts, extending over districts, the limits of which are different both from those of the old corporation and of the new borough, and which districts may have separate debts, and separate engagements. It may be very fit to abolish all these distinctions, and incorporate the whole into one district, subject to one general superintending authority; but it will be no easy matter, I fear, to provide by one general law for the mode of doing this consistently with justice, and the satisfaction of the parties concerned.

Some express provision ought to be made with regard to the existing obligations of corporate bodies. Many of them have contracted debts and engagements, in some cases, perhaps, improvidently; but still, if those debts and engagements were contracted under the authority of the law, the creditors ought to have a full assurance that the nature of their security shall not be affected by any change in the corporate authorities. In some corporations, the members of which are trustees of charitable estates, the estates have been alienated, and a compensation has been made by the charitable trust, not very regularly perhaps in some instances, out of the corporate revenues. Here, again, there ought to be a restraint upon the power which any new body may acquire over those revenues, and provision should be made, that the first lien upon the corporate property shall be, the repayment of the sum due to the charity on account of the alienation of the trust estates.

Then, again, with respect to ecclesiastical patronage. Many corporations are possessed of valuable livings, and extensive patronage connected with the church. Surely the right of appointing to livings ought not to be exercised by those who are not members of the church—who cannot be fit judges of the qualifications requisite in a minister of another religious profession, and have no direct interest in making fit appointments. A corporation possessed of ecclesiastical patronage, might, under the new system, be composed entirely of Dissenters, or might be under the control, at least, of a predominant dissenting interest. Would it be fitting that ecclesiastical patronage connected with the Church of England should be exercised by a dissenting body? Would not Dissenters themselves be the first to protest against any legislative enactment, which should by possibility place the nomination to their spiritual charges, whether Roman Catholic, or Methodist, or Presbyterian, in the hands, or under the direct influence, of members of the Church of England?

With regard to the future management of charitable trusts, such as have been hitherto under the superintendence of corporate authorities, some special provision will be, in my opinion, necessary, for the purpose of strictly confining the application of the charitable funds to the purposes for which they were intended. If they are to be placed under a political body, what security will there be that the political interest will not, as it has heretofore done, sway the distribution of the charitable revenues? There must be a selection of objects, and a large discretion as to that selection, capable of being very easily perverted to the promotion of party objects. Popular elections will give no security on this head; the body which owes its authority to the popular voice will have just as great temptation to the undue exercise of power in the management of a charitable trust, and as great opportunity for exercising it improperly, as a self-elected oligarchy. The only effectual precaution will be the separation, if possible, of the charitable from the municipal trust, and the selection of some independent and impartial authority, subject to proper control, for the management of the charitable estates, and the appropriation of the charitable revenues.

The noble lord has touched very imperfectly upon the local administration of justice under the new system which he proposes to establish. He has not adverted to the contemplated establishment of local courts, exercising jurisdiction in certain civil causes, and especially in regard to the recovery of debts below a certain

amount. It will deserve serious consideration, whether, in the event of the establishment of such a local jurisdiction, the necessity for maintaining any separate borough jurisdiction will not, in most of the corporate towns, be superseded. In some of the larger ones, it may be fit to have a separate jurisdiction, but in the small boroughs, the continuance or establishment of a separate jurisdiction would interfere with the satisfactory and successful operation of any measure for the local administration of justice, founded upon general principles.

There is one point on which the noble lord has expressed an opinion, from which I see strong ground to dissent, namely, the proposal to devolve upon the common council—upon a body owing its authority to popular election—merely—the exclusive power of licensing public-houses within the corporate jurisdiction. I think this is a power, which a body so constituted is not likely to exercise wisely or impartially—that it is a power which may be grossly abused for party purposes, and also with a view to selfish considerations of personal interest. Here again I see no additional security against such abuse in popular election.

The noble lord proposes to confine the division of boroughs into wards, to twenty boroughs. I am very much inclined to think that the principle of such division may, with advantage, be extended much further—and that you may thereby ensure a much fairer representation of property, and of the varied interests in a borough, than if you were to make each borough a single district, without subdivision, so far as the right of election to corporate office is concerned.

Upon many of the points adverted to by the noble lord, the qualification of the constituent body, the number of the governing body, the frequency of elections, and other important matters of this kind, I shall reserve my opinion, feeling it quite unsuitable to the importance of the subject to pronounce a decided one at present. Of this I am satisfied, that no system of municipal government, however specious in its theory, will promote the object for which alone it ought to be designed, will ensure the maintenance of public order, the pure administration of justice, or the harmony and happiness of the societies to which it is to be applied, unless its direct tendency be to commit the management of municipal affairs to the hands of those who from the possession of property have the strongest interest in good government, and, from the qualifications of high character and intelligence, are most likely to conciliate the respect and confidence of their fellow citizens.

In reply to a remark by Lord John Russell, Sir Robert Peel observed, that there were some small corporations which had ceased to return members to parliament: he would therefore suggest, that if they wished to resign their corporate privileges they might be at liberty to do so. He thought that there could be no objection to this, provided it was done with the consent of all the parties interested.

The motion was ultimately agreed to; and the bill was brought in and read a first time.

JUNE 15, 1835.

Lord John Russell moved, “That the Municipal Corporation Reform Bill be read a second time.”

SIR ROBERT PEEL.—The same motives which induced me to listen favourably to the introduction of this bill, will lead me to give my assent to its second reading. We are told of party interests opposing obstacles in the way of the measure; but the great party with which I have the honour to be connected, feels, I have no doubt, the greatest interest in the establishment of a system of good municipal government in the large towns and cities of this kingdom—an interest far superior to that of mere party, or a desire to thwart the proceedings of the government—assuming the object of this bill to be the establishment of a good system of municipal government, and the correction, as far as human caution can provide, of all abuses attendant upon the exercise of corporate privileges. Our interest being concurrent with the maintenance of order, of laws, and of the established rights of property, will induce us to support whatever may be proved to be conducive to such objects. We are not inclined to oppose any private or special interest against that which may be necessary for the public good. Upon the same principle upon which the heritable jurisdictions of Scotland were abolished, and other reforms in the public policy have been made upon that same principle, if in any case corporate privileges are found to be an ob-

stacle either to the pure administration of justice, or to the establishment of a good system of police and general government, we are willing to admit, that regard for the special privileges ought not to bar the consideration of whatever may conduce to the authority of the law, and to the maintenance of public order. We, therefore, shall offer no opposition to the second reading of this bill. Sir, I cannot contemplate the condition of some of the great towns of this country, and witness the frequent necessity of calling in the military in order to maintain tranquillity, without feeling desirous that the inhabitants of such towns should be habituated to obedience and order through the instrumentality of an efficient civil power, and a regular and systematic enforcement of the law. I believe that you could not establish a system of good government in the populous towns and cities of this country, retaining at the same time every existing privilege and practice of the corporate bodies as at present constituted; and I think it much better to place those towns under the exclusive control of a corporate authority, invigorated and adapted to their present state of society, than to leave the ancient corporation precisely where we find it—devolving at the same time all real power, and almost all the functions of administrative authority, upon some new body constituted on a different and more popular principle. This would be a virtual supercession of the ancient corporation—a virtual extinction of the power for the exercise of which it was originally intended; and its permitted co-existence with another body really exercising the authority of municipal government, would be of no possible advantage, either private or public. On the details of this bill, I, of course, reserve to myself the right of voting in such a manner as, after mature deliberation, shall appear to me to be the best calculated to effect that object which the bill professes to have in view. If I shall deem it necessary to propose any important amendment in such of the provisions of the bill as involve its general principle, I shall give notice of the nature of such amendment; and I think it would be a great convenience if hon. gentlemen were to do the same. Sir, I apprehend the three most important details connected with the bill are, the qualification of the constituent body, the qualification of the governing body, and the frequency of their election. With respect to the qualification of the constituent body, having given due consideration to that subject since this measure was brought forward by the noble lord (Lord John Russell), my present impression is, that it will be advantageous to establish a qualification different from that which is required for the constituent body under the Reform Act. The hon. gentleman who spoke last, and relied on his experience in respect to Scotch burghs, omitted to state, that the qualification for an elector in the burghs of Scotland is identical with that of an elector of a member of Parliament. In each case in Scotland, the £10 householder is the elector. As to the policy of following that precedent, and taking the same qualification in each case in this country, I feel the full force of the objection urged by the noble lord (Lord Stanley), that we run the risk of creating a corporate body influenced by all those political feelings and interests which sway that body in its other capacity of returning members to serve in parliament; and that every vacancy in the office of councillor, whether arising by death, by absence, or by the triennial retirement of a third of the council, would become a trial of political strength, having a great tendency to paralyze the exertions of the local magistracy, by giving them the character of political partisans—by throwing upon their magisterial acts the character, or at least the imputation, of partiality. There may, therefore, be an advantage in the establishment of a separate qualification for the elective body; and in that case the only question will be, what is the proper qualification? The suggestion of a three years' continuous residence and payment of rates, is a point which appears to me to require mature consideration. I am inclined to think it not a bad qualification, provided it be a *bonâ fide* one, and that effectual precautions be taken against the abuse of it—against the creation of a fictitious franchise. Three years' residence is a fair *primâ facie* test of good character; and three years' payment of rate—that is, a continuous payment of rate—by the occupier himself, is such a test of property and interest in good municipal government, as qualifies a man for the exercise of this franchise. At the same time it will be absolutely necessary to guard against many possible cases, in which there may be an usurpation of this franchise, and an evasion of the intention of the law. In many towns there are pauper residents, who, without having any parochial settlement in them, would, without such precautions, be en-

titled to vote for the council; they are paupers belonging to other parishes, who live under the constant threat of the overseers, that if they do not pay their rates regularly, they will be removed; and in many cases, the parishes to which they belong are the payers of the rates. Now, I apprehend that such persons as these are much less interested in the well-being of the town in which they reside, than persons possessing the elective franchise ought to be. They may have been residents for three years, and the rates due from them may have been paid; yet if they are, in point of fact, paupers belonging to another parish, they surely ought not to have a voice in the government of the town in which they are casual residents. I trust, therefore, that an effectual provision will be made, by which the qualification established in this bill shall be *bonâ fide* adhered to. I do not agree with those hon. gentlemen who maintain, that every man who contributes to the rates ought to have a vote in the government of a borough. You did not act on that principle in the Reform bill—you did not in that bill enact, that every man who contributes to the public exigencies shall vote for members of parliament. The main point to be considered is—not the abstract theoretical right of each particular man, but what is the class of electors which will be likely to choose, permanently, the best governing body?—and you have a perfect right to act upon the same principle in the government of a town as of a kingdom. If you believe that three years' payment of rates, and three years' residency, are the best qualification, and will secure a sufficient control over the acts of the governing body, it is a much more material object to establish that qualification, than to act upon the mere theory, that every man who contributes to the rates has a right to the franchise. With respect to the frequency of elections, I am inclined to think there is much reason in the proposition of the noble lord (Lord Stanley). I think we should study to give more permanency to the governing body, and to avoid the perpetual recurrence of those conflicts which poison the harmony of society. There are other advantages in life, besides the elective franchise and popular elections; and if you sacrifice the concord and peace of these great societies, for which you are now providing a system of government, to speculative improvements in the mode of that government, you will defeat your own ends, by discouraging the truly qualified and respectable inhabitants from voting on municipal affairs, and will provide little security against the abuse of power. With respect to the qualification of the members of the governing body, I believe the prevalent opinion in the country to be, that there ought to be some qualification—an opinion which has been acted upon by one of high authority on this subject (Lord Brougham). In the bill which he introduced for the government of certain towns, at present incorporate, he established a £10 qualification for the electors, and a qualification of £1000, of real and personal property, for each member of the governing body. Considering in all cases, that, by this bill, the mayor is to be a county magistrate *virtute officii*, to take his seat as a magistrate with those from whom a qualification is now required, there ought surely to be some test of his respectability in point of station in life and competency. In most of the local acts which have been established with the concurrence of the inhabitants of the towns to which they refer, there has been a qualification required in persons who are to be trusted with authority. I dare say the noble lord has looked into the act for the government of Stroud, the town he represents. I am not very well versed in the history of that local act; but I have no reason to doubt that it was passed with the general concurrence of the respectable and intelligent inhabitants of the town. In that act a high qualification is required on the part of the persons who have to perform functions analogous to those which are intrusted to the governing body of a borough under this bill. The points to which I have thus referred are those, I apprehend, which involve the chief considerations connected with this measure that are of a political character. There are several other details of the bill which are of great importance, and which require the most serious consideration. They are matters in which all persons who hear me have a common interest, and in respect to which they need not have, necessarily, on account of different party connections, different views. If I now allude to them, it will be with a view rather to promote than to defeat the professed object of the bill. It may be thought that it would be better to reserve the discussion of them for the committee; but there are advantages in taking a general view of the details of a measure of this nature—thus permitting the mature

consideration of any suggestions that may be offered. One of the points to which I will call the attention of the noble lord, is the great power which is given to the mayor under this act. The mayor is to be the returning-officer of the borough; that is, he is to be an officer of a political character, having political functions to perform; and the power you intrust to him, of singly deciding upon the validity of the votes tendered in municipal elections, is extremely great. He is to receive the lists of votes, to examine that list, to revise it, and to proclaim the result. Here is, no doubt, a great opportunity of abusing power, without any efficient check or control over it. Then, as to the council, the more precaution you take in defining its powers, the more you can separate municipal from mere political objects, the better. So far am I from wishing to see one party gain any undue influence by the measure, that I think the test of its perfection will be the separating of interests which are political from those which are strictly municipal; but you constitute the mayor the returning-officer, and give him an almost irresponsible power—you give him the power to hold a court at which objections are to be made to the votes—he is charged with determining which party have the majority; you ought to establish such a check upon him that there may be no abuse, and that you may even prevent any suspicion from attaching itself to the integrity and impartiality of the chief officer. What possible objection can there be to provide that scrutineers shall be appointed? It is clear that there ought to be some check of the kind, and that the decision upon matters of this nature ought not to rest upon the simple declaration of any one man, who, after receiving the lists, and examining them, and declaring the result, may, if he so think fit, afterwards destroy them, and preclude the possibility of detection, in cases even of wilful error. The bill makes no provision for the application of any surplus there may be of corporate property. Now, there are many boroughs which are extremely wealthy; and, after providing for the public purposes named in the bill, it is clear that there may be, in some instances, a considerable surplus. My noble friend, the member for Liverpool, states, that in that town there is one of £35,000. The bill provides, that the new corporate body shall have all the powers which the existing body has; and as those powers over the property of the corporation are very considerable, there ought to be some provision controlling the appropriation of any surplus that may remain after providing for the special objects named in the bill. It ought to be known, that in many boroughs considerable expense is about to be incurred. The bill provides, that, after the termination of existing interests, there shall be no application of corporate property to individual uses, but the existing individual interests are to be protected; and thus, even in the cases wherein there are no corporate estates, some time will elapse before there will be a fund sufficient to provide for municipal purposes. In these cases, the new governing body will have to levy a new rate, and that rate will be the only source from which the municipal charges can be defrayed in the case of those towns which are now incorporate. This rate—its connection with the poor-rate—the mode of levying it—the appeal against it, are all matters of deep interest to the societies to which this bill applies, and require much more mature consideration than I fear they are likely to receive at this period of the session. The provision of this bill, with respect to county rates, are very important. Many districts will be hereafter exempt from direct contribution to the county-rates. In all those, for instance, which are to have a separate quarter-sessions, the county-rate will have to be levied upon a new principle. A calculation is to be made of the expenses of the prosecutions arising from those boroughs, and the treasurer of the county is to certify to each borough, what portion of the county-rate it ought to pay, and to demand payment accordingly. I am afraid the borough will not consider the treasurer of the county a very impartial judge upon that head. Then there is another enactment of a similar nature, and of equal importance, in clause 97, relating to the more general expenses of the county, such as building bridges and public buildings. Here, too, the treasurer of the county is to make a calculation as to the portion of the county-rate which should fall upon the district included within a borough; and in case any difference shall arise, it shall be lawful for either party to appeal to the privy council, who shall thereupon make such order as to them shall seem expedient, and such order shall be binding upon all parties. Now, I am afraid the privy council will not be well qualified to decide in these cases. There is no apparent principle to guide them in their determination. In the case of the expenses



of prosecutions, there is a principle, because the expenses can be regulated and defined; but in the case of the general expenses of the county, the degree of benefit derived by a particular district is very indefinite. There will frequently be an appeal to the privy council against the demand of the county treasurer, which appeal will, I fear, be attended with considerable expense. It will, therefore, be for those who are intrusted with the administration of the county-rates, to watch this part of the bill with great attention. In the case of some boroughs, the new corporate district may not be coterminous with the parishes of which it is partly composed. In these cases, how will the county-rate operate?—part of a parish will be within the county, and part within the borough. Is the part within the county to contribute to the county-rate upon the old, and that within the borough upon the new principle? These are minor considerations, as affecting the principle of the measure, but they are important, with the view of preventing, as far as possible, litigation and expense. I come now to a more important point. The noble lord provides, that twenty of the larger boroughs are to be divided into wards—these wards are to be determined by the privy council upon the report of certain commissioners. Surely Parliament ought to have some control over this. I agree with the noble lord (Stanley), that it would be an immense advantage, and might be the means of ensuring a much fairer representation of property, if the principle of division into wards were extended far beyond the limits proposed in the bill—and I reserve to myself the power of moving an amendment to that effect—but I take the bill as it now stands: it provides, that twenty towns shall be divided into wards, and that the privy council shall not only have the power of determining how many wards there shall be, but also the number of representatives each ward is to return. Now, that I hold to be a power too important to be exercised by any authority short of that of Parliament. In a town like Liverpool, as it will be possible for the privy council to assign twenty representatives to one ward, and two to another, they may constitute the council either a democratic or aristocratic body, at their mere will. This is a power the Crown ought not to exercise without the control of Parliament; it is a power which was denied to the Crown in the Reform Bill, even in the case of the mere territorial boundaries of boroughs, and was expressly, after discussion, reserved to Parliament. This bill provides, that twenty large towns, named in the bill, may be divided into wards, but no obligation is imposed upon the Crown as to the period at which its discretionary authority is to be exercised. The Crown is not bound to make the division before the first election for the council; and if it do not, the elections will be made, as in the case of other towns, by the voters indiscriminately. In this respect, there ought to be some alteration in the bill. It should be reserved to Parliament to determine in what cases the division into wards shall take place—what shall be the number of wards—what the number of councillors to be allotted to each ward. An indefinite power is given to the council with regard to the amount of the new borough-rate. No *maximum* is established; and while a power is given to the council—or rather, an obligation is imposed to separate the charge of watching from that of lighting, nothing is defined (even in cases wherein a *maximum* on the whole rate now exists) in respect to the amount of the separate charges. When these points shall come to be looked at practically by the different societies to which this bill applies, they will be found to affect their interests in a very material degree. The bill, in fact, attempts to include in one act one hundred private bills,—to apply uniformly the same provisions to towns very differently circumstanced; and I am satisfied that, unless there be the fullest opportunity of considering very maturely the details of the measure, the result will be disappointment and failure. Then, with respect to the operation of the bill in individual instances, there are cases in which it will confer no benefit. In the town with which I am connected, the corporate body is a self-elected one: but that body has elected its members without reference to any political feeling; it has selected its members from among parties opposed to each other in political sentiment; the people are content, and there is neither abuse nor any allegation of it. In such a case as this, I should see the application of this bill with considerable regret, for I fear it would have a tendency to introduce party feelings in the constitution of the corporation, and considerably diminish the satisfaction which is now felt. Therefore I think it will be a matter of consideration for the noble lord, whether, in all cases where the communities at large are satisfied

with the existing corporations, it will not be advisable to let them remain as they are. Sir, I have now given my opinions upon this subject, the details of which will, as I have observed, require much consideration in the committee; and the little disposition which has been shown to oppose the general principle of the bill, ought to make the noble lord doubly anxious to give all parties concerned the opportunity of considering and canvassing a measure which so intimately affects their interests, and the peace and good order of the societies to which they belong.

The bill was read a second time.

## AFFAIRS OF SPAIN.

JUNE 24, 1835.

The Order of the Day for the Municipal Corporations (England) Bill having been read,—

Lord Mahon rose, and after discussing the policy pursued by government with regard to Spain, concluded a most eloquent speech, by moving an humble address for “A copy of the Order in Council exempting his Majesty’s subjects who may engage in the service of Spain from the provisions of the Foreign Enlistment Act, and copies of all correspondence which had taken place between the Spanish Government and the Secretary of State for Foreign Affairs relative to the subject.”

In the discussion which ensued,—

SIR ROBERT PEEL said, that nothing was more reasonable than the proposal made by the noble lord, the Secretary of State for Foreign Affairs (Lord Palmerston,) that if any observations were made on the policy of the act to which his noble friend had called the attention of the House, which required explanation, he should not be debarred by a rigorous adherence to the rules of the House from meeting those observations. He was bound, in the first place, to thank the noble lord for the frank and cordial testimony which he had borne to the manner in which the late government had generally carried into effect the obligations contracted under the Quadruple Treaty, that treaty being the diplomatic act of a former government. It was a testimony equally honourable to the noble lord himself, and to those to whom it was borne, inasmuch as it proved on the one hand, that no political difference of opinion should prevent an honourable man from doing justice to a political opponent to whom he felt it was due. And on the other, that the pledged faith of the country had been scrupulously observed by those who might have doubted the wisdom of pledging it. The testimony of the noble lord must be considered conclusive on the subject, because the noble lord had access to all the official documents, as well as to the most secret correspondence which had passed through the hands of his noble friend (the Duke of Wellington;) and with all the knowledge derived from such sources, the noble lord had not hesitated to declare, that if even the parties to it had been called on to execute that treaty, they could not have done so in a more honourable and complete manner than that in which the obligations of the treaty had been executed by his noble friend. The hon. member for Westminster seemed to think that the only act done by the British government in execution of that treaty was the exportation of 40,000 stand of arms. He apprehended, that whatever the spirit and intention of the treaty was, all that the British government was called upon to do was literally and honourably to fulfil the special engagements into which it had entered. The obligations of the British government under that treaty were, as he understood them, to afford arms to Spain, to allow the opportunity of getting Spanish vessels repaired in our harbours, and also to give to Spain, if circumstances required it, the aid of a naval force. He was sure the noble lord opposite would bear out the truth of the observation, when he stated, that though the obligation of supplying a naval force to Spain was in case of necessity imposed on England, yet the law of nations did throw great obstacles in the way of the fulfilment of that special obligation. Without a declaration of war, it was with the greatest difficulty that the special obligation of giving naval aid could be fulfilled, without placing the force of such a compact, the performance of which was guaranteed on the existence of certain circumstances, against the general binding nature of international law.

Let them take, for instance, a neutral nation requiring arms. Whatever the special obligation imposed on this country might be, it did not warrant us in checking the enterprise of our own countrymen, or preventing that neutral state from receiving a supply of arms. But we had no right, without a positive declaration of war, to stop the ships of a neutral country on the high seas. It was this difficulty of properly adhering to a determination to give just effect to the terms of the Quadruple Treaty, a difficulty which he was sure the hon. and learned gentleman, the Attorney-general, would readily admit had been equally felt by the government of Lord Melbourne, and that by which it was succeeded, and which induced the latter to confine its aid to a limited supply of arms, not from any unwillingness to fulfil the obligations under which this country was placed, but on account of those obstacles to which he had before alluded, and which were found by all administrations to be insuperable. The Queen of Spain's claims on the cordial assistance of this country are the same as those of any other ally. She had been recognised, no matter by what government—for he considered nothing of such vital importance to the character and interests of this country, as that the engagements entered into by one administration should not be disturbed by another of opposite political principles; and upon that principle he should have considered it unjustifiable on the part of the administration to which he belonged, to attempt to evade the obligations of the Quadruple Treaty (however they might have dissented from the policy by which it had been originally dictated), or to refuse to carry it into operation in a fair, honourable, and equitable manner. But still, consistently with the admission that the Queen of Spain was equally entitled as any other friendly power to the cordial assistance and good wishes of this country, he might call in question the policy of a particular act, which for the first time in the recent history of this country admitted of direct military intervention in the domestic affairs of another nation. The noble lord had stated that the permanent interests of this country would be promoted by the firm establishment of the Queen of Spain on the throne. That was a doctrine which might, he thought, be carried too far. What limit could be affixed to such a principle? What nation might not find in it a pretext for interfering in the domestic concerns of another? The general rule on which England had hitherto acted was that of non-intervention. The only exception admitted to this rule were cases where the necessity was urgent and immediate; affecting, either on account of vicinity or some special circumstances, the safety or vital interests of the state, and then interference was admitted. To interfere on the vague ground that British interests would be promoted by intervention—on the plea that it would be for our advantage to see established a particular form of government in a country circumstanced as Spain was—is to destroy altogether the general rule of non-intervention, and to place the independence of every weak power at the mercy of a formidable neighbour. It might be said, however, that he was not warranted in applying the terms "direct military interference," to the expedition which had been sanctioned by the government. How did it, in principle, differ from such an interference? It was impossible to deny that an act, which the British government permitted, authorizing British soldiers and subjects to enlist in the service of a foreign power, and allowing them to be organized in this country, was a recognition of the doctrine of the propriety of assisting by military force a foreign government in an insurrection of its own subjects. When the Foreign Enlistment Act was under consideration in that House, the particular clause which empowered the king in council to suspend its operation was objected to on this ground—that if there were no Foreign Enlistment Act, the subjects of this country might volunteer into the service of another, and there could be no particular ground of complaint against them; but that if the King in Council were permitted to issue an order suspending the law with reference to every belligerent, the government might be considered as sending a force under its own immediate control. The noble lord had stated, that the insurrection in Spain was confined to the Biscayan provinces. The noble lord had not, he thought, escaped from the dilemma in which his noble friend had shown him to be situated—namely, that if the Queen's government were established in the general affections of the people—if those who, it was said, possessed intelligence, opulence, and knowledge of political rights, and who were in favour of her government, preponderated immensely over those engaged in the insurrection,

why did they not put it down without calling for the assistance of any foreign power? But if, on the other hand, it happened that the question was a disputed one—that the opinions of the people were nearly equally divided—and if the difficulty of suppressing the insurrection arose from the fact, that the pretender to the throne had support nearly as powerful as its possessor—we had, in that case, embarked in a contest, the issue of which could not now be foreseen, and the settlement of which by our arms, if the precedent of such intervention were once established, must lead to eternal turmoil and warfare. To succeed by our arms, too, would be a perpetual source of weakness to the Queen's government. The Queen had an army of 54,000 men. How came it, again he asked, that with this preponderating force, with all the intelligence and wealth of the commercial towns ranged, as was said, on the Queen's side, that the insurrection was not yet put down? And where was the security that that government, which could not suppress an insurrection without foreign aid, would maintain itself by its own native vigour? The noble lord, however, had stated, that the spirit of the treaty justified the expedition. The spirit of the treaty never contemplated, in his opinion, military intervention by any of the parties to it; on the contrary, it rather excluded military intervention. But he would say no more on the foreign policy of the act, and would only further make a few observations with reference to the bearing of the Order in Council on the domestic concerns of this country. He held that, with respect to them, it would be a most dangerous precedent. First, there was no restriction, as far as it appeared, with regard to the number of men to be enrolled. He would ask the noble lord (the Secretary of State for the Home Department) if any limits had been assigned since the Order in Council to the number of men to be enrolled? Had he made any private arrangements on the subject? Had he been authorized to do so? He did not take the particular case, he was arguing on the principle; and he asked if there was any thing to prevent the enrolment of 5,000 men, and their retention in this country for an indefinite period previous to their embarkation? Thus they would be British subjects in the service, say, of the Queen of Spain, bound together by new associations, and at least, while abroad, acknowledging immediate allegiance to another sovereign. He wished to ask, under what system of discipline they were to be? He perceived the force was styled, the British Auxiliary Force, and one of the regulations stated, that the men during their stay in Spain would be subject to the British military law. He could not exactly understand that. The regulation assumed that it would be possible to apply the military code of this country to troops in Spain. He asked the Attorney-general and the noble lord (Russell), could they be so subjected to it? Would any voluntary arrangement of submission on the part of the soldiers be binding? He apprehended not. Their refusal to obey would be sufficient. Any punishment inflicted on them would be illegal. Therefore he thought it would be impossible to apply our military code in another country. Whatever might be their numbers, whether 5,000 or 10,000; whatever might be the service in which they were engaged, he looked upon the principle of permitting the enrolment and discipline of troops here for a foreign state, as pregnant with great dangers. These men were to go to Spain, to engage in warfare, and contract its habits. The House had a right to be satisfied touching the discipline under which they would be placed. They had a right to know whether men who might shortly be returned to their native country, were under the same control with the private soldier here, who looked to the state for his reward on the termination of his service. In conclusion, he would say, both with reference to our foreign and domestic relations, he doubted the policy of the present proceeding. He viewed the principle, the precedent, and the power of perverting it, with serious alarm.

The motion was agreed to.

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#### LORD HAYTESBURY'S APPOINTMENT.

JUNE 29, 1835.

Mr. Winthrop Prael moved for copies of any communications which have passed between the Board of Commissioners for the Affairs of India, and the Court of Direc-

tors of the East India Company, on the subject of the revocation of the appointment of Lord Heytesbury as Governor-general of India.

SIR ROBERT PEELE said, that he observed the noble lord opposite watching anxiously for the opportunity of going into the committee on the corporation bill, and therefore he would detain the House but for a very short time whilst he made a few observations upon the question before the House, and he promised that he would compress what he had to say within the smallest possible compass. He had listened to the speech of the right hon. baronet, the President of the Board of Control, with considerable attention, and he must be allowed to make a distinction between the tone and manner of that speech and its object. For the tone and manner of his speech he gave the right hon. baronet credit; the fair manner in which he stated the case, and the generosity with which he bore testimony to the merit, where he could do so, of his predecessor in office, though opposed to him in politics, and his abstinence from reflections on the personal character of Lord Heytesbury, were highly honourable to him. The right hon. baronet relied upon one single point, namely, that he had not confidence in Lord Heytesbury, on account mainly of their difference of opinion on political topics. The right hon. baronet, however, had not convinced him that the exercise of the King's prerogative, which he had advised, was justifiable. The right hon. baronet said, that he had not confidence in Lord Heytesbury, and that, therefore, he refused to sanction his appointment; and he added, that he would not let Lord Ellenborough nominate his governor-general. If the right hon. baronet's argument were well founded, it went to this length, that he must carry into the government of India the colours and shades of our political differences; and the example derived from the fountain head, and applied to the chief officer of the government, could not fail to introduce into India, for the first time, party dissensions and factions, and thereby to weaken the control we had over the dominion of those vast territories. The right hon. baronet said, that if Lord Heytesbury had proceeded to India he would not have recalled him. Why not? If a want of confidence in Lord Heytesbury, grounded on a difference of political opinion, justified the revocation of the noble lord's appointment, would it not also justify his removal from the government of India, supposing he had assumed it? If it were necessary that the Governor-general of India should be a person in whom the government placed confidence—founded on an identity of political opinion—then he contended that the mere circumstance of the Governor-general being in India, or having set sail, made no difference whatever as to the application of the principle. If the principle was to be laid down as one on which a government ought to act, he (Sir Robert Peel) ought to have recalled Sir R. Grant and Mr. Macaulay. He was just as much responsible for the exercise of their functions as the present government would have been for the conduct of Lord Heytesbury. The only difference between the cases of a Governor-general recalled, and one deprived of his appointment before setting sail was, that in the former a greater amount of individual hardship would be sustained. The right hon. baronet said, that he would ally himself with those with whom he agreed in political sentiment, and did him (Sir Robert Peel) the honour to appeal to his authority upon that point. He agreed with the right hon. baronet. He recognised the principle that the confidential offices in this country, connected with the executive government, ought to be filled by persons whose political sentiments were congenial with those of the government. He did not, however, act upon the principle which the right hon. baronet had applied to Lord Heytesbury, for he retained in office gentlemen whom his predecessors had appointed to situations not connected with the executive department of the state. The principle which he recognised did not apply to India—that was a neutral territory, into which politics ought not to be allowed to enter. Conceding the principle with respect to confidential offices in this country—agreeing with the right hon. baronet, that that government deserved no respect which tried to conciliate favour by retaining in office persons in whom they had not confidence, he was prepared to contend that principle was not applicable to the case under consideration. Neither the history of the act of parliament, which limited the prerogative of the Crown, nor the practice under the act, nor the policy pursued in India, nor the admissions of the right hon. baronet himself, justified the proceedings which had taken place with respect to Lord Heytesbury. The confidence which the government ought to have in a person filling

the office of Governor-general should be founded, not on identity of political opinion, but on his general integrity, which would ensure the fulfilment of the instructions he might receive. The act of 1784 was intended solely to reserve to the Crown the power of removing the Governor-general in case of delinquency; not to ensure the appointment of a partisan. What had been the course of practice under the act? The right hon. baronet had quoted only one case—namely, that of Sir George Barlowe, in which the power of removal had been exercised without imputed delinquency; but the circumstances of that case were totally different from those of Lord Heytesbury's. The examples in the opposite direction were numerous. Lord Minto was appointed by the Whig government, and sailed in March. Mr. Percival came into power in April, and could, by sending a fast-sailing vessel after his lordship, have recalled him, but he did nothing of the kind. The case of Lord William Bentinck was still stronger. His lordship was appointed by one government, and retained in his appointment under two successive changes of administration, and did not sail until a month after the Duke of Wellington's government was formed. That case, therefore, supplied a second instance in favour of his argument: for there the principle for which he contended was again ratified and confirmed. Provided the government have confidence in the general integrity and experience in public life of the individual appointed, they do not contract any personal responsibility by continuing him in office. The right hon. gentleman seemed to consider he put a conclusive question, when he asked, "Would I have appointed Lord Heytesbury?" Certainly, he must presume, not; but then he might put another question, and ask, "Would he have appointed Sir Robert Grant or Mr. Macaulay?" No. If he had more confidence, then, in some other person, why should he not have recalled Sir Robert Grant, and sent out some person in whom he had confidence? He did not think it possible for the right hon. gentleman to give this argument a valid answer: and if he could not, had he not a right to assert, upon the authority of the case of Sir George Barlowe, that in the instance of Lord Heytesbury's appointment, the prerogative of the Crown had not been exercised in accordance with precedent. He would say one word upon an important point—namely, the bearing which the proceeding would have upon Indian affairs. It was impossible to put out of consideration the peculiar circumstances under which our dominion in India was exercised. After all, it was impossible to deny that our dominion was not recommended to the natives of India by any participation, on their parts, in our political feelings, or admiration of our civil institutions—it rested mainly on a general confidence in our justice, and a conviction of our power. We had been able to retain our dominion over 80,000,000 of natives, by proving to them that there existed amongst the foreigners who governed them a complete unity of purpose. To introduce party divisions among the foreigners in India, to prove to the natives that they are separated by the same animosities which separated us here, would do more to undermine our authority in India than any thing which he could imagine. By the recent measure the number of British settlers in America had been multiplied: and although the government of that country might have acquired some accession of physical strength by that means, it would be as nothing compared to the results likely to ensue from the introduction of the seeds of party dissension, and that general misery which party spirit is sure, sooner or later, to give birth to. He complained that the King's government had refused to concur in the appointment of Lord Heytesbury: and he did so, because ever since the King's assent was required for the confirmation of this appointment, the government of the country had always acted on the principle to which he had alluded. This appointment, it should not be forgotten, was made by the Court of Directors, under the sanction of the Sovereign; and it would go far to weaken the royal authority in India, if an appointment which had been formerly made by the Directors, were to be set aside at the will and pleasure of the executive government. The intention of the legislature was, that the King's consent having been given to the appointment made by the Court of Directors, the means should be reserved of removing the individual for any dereliction of duty: but the appointment was to be held as good, until valid and sufficient reason to the contrary should be shown. The course of proceeding complained of by his hon. friend, had a direct tendency to undermine the English authority in India. The legislature had stripped the company of their charter as

merchants;—"but," it is said, "we will still respect them as a political body." Could any thing be better calculated to sap and destroy the remains of the company's authority, than to say to the people of India, "Although the company had appointed a Governor-general, so little respect have we for the company, that as soon as a change takes place in the government at home, we change the governor who may have been thus appointed by the company?" Why was the East India Company reserved in their present form as an intermediate body between the original legislation of the old Indian government, and the direct intervention of the government at home? He apprehended that, in the first place, the force of prescription operated; that it was felt to be inexpedient to discontinue that power of administration which the company had theretofore exercised, wisely and well. This was one reason, and, if it was a good one, it was certainly the only way by which the respect of the legislature for the company could be shown. Another reason was, that the legislature was afraid to intrust the executive government at home with the vast patronage of India, and it desired to have that patronage exercised by a body independent of the government. Yet, the first act of government was to revoke this resolution, and take away the appointment from those in whom the legislature had vested it. The right hon. member for Kirkcubright said, that this was done in order to enable ministers to send out a friend of their own in whom they had confidence.

Mr. C. Fergusson said, that what he had stated was, that it was necessary some person should be appointed in whom the government had confidence, in order that he might carry the new system into effect.

Sir Robert Peel said, that amounted to just what he was stating. The government argued thus:—"Our predecessors appointed a person in whom they had confidence, and we will appoint one in whom we have confidence." He had already argued the principle, and therefore he would only say, that such a proceeding was a direct supersession of the power reserved to the Court of Directors by the act of parliament. In conclusion, he thought the cancelling of the appointment of Lord Heytesbury would tend to diminish the respect in which the Court of Directors had hitherto been held, and to weaken our power in India by introducing party feelings, the absence of which hitherto had been the main cause of our strength. He thought that the right hon. baronet had failed to make out a valid defence for the exercise of the prerogative of the Crown; and, as he had admitted that no public inconvenience would arise from the production of the papers, he would probably not oppose the motion.

Lord John Russell having replied, the motion was negatived by 254 to 179; majority against the motion, 75.

## CORPORATION REFORM—COMMITTEE.

JUNE 30, 1835.

Lord John Russell having moved that the House resolve itself into a Committee on this Bill,—

SIR ROBERT PEEL remarked, that there was an impression entertained, either real or feigned—not so much, he believed, in that House as out of it—that there existed on the part of himself, and those with whom he acted, a desire to throw some obstruction in the way of the noble lord's proceedings, with reference to the bill which the House was now about to consider. He begged to say, for himself, that he did not entertain any such feeling; that, on the contrary, he was most anxious to give every aid in his power to the noble lord, on every occasion. He wished, indeed, that some arrangement could be adopted, by which a steady perseverance with the bill might be insured. The plan of devoting an hour and a half one night, and two hours another night, was not one which admitted of their paying proper attention to the measure; and it insured the certain result of a succession of amendments being brought forward on the report, which ought to have been made in the committee. He knew well the inconvenience attending upon morning sittings, on account of the numerous committees which were then engaged, and he did not, therefore,

propose them; but if any arrangement could be made for going into committee on this bill regularly, on certain days, and at certain hours, so far from having any objection to it, he should be happy to see it adopted, and he was sure it would be most acceptable to all with whom he acted.

The House then went into committee, and several clauses were agreed to.

On clause 20, being read—

Sir Robert Peel rose to propose an amendment which related to the qualification of those who were to be elected members of the town council; and, to simplify his statement on the subject, he would divide it into two heads—first, as to whether there ought to be a qualification or not for the members of the town council; and next, if there should be, what ought to be the nature of the qualification. He was aware that there were various opinions on the subject. Some persons thought that there ought to be no qualification whatever, but that the electors should be at liberty to elect whom they pleased, without any reference to property; while others were of opinion, that a certain qualification as to property was indispensable. He would not enter into any detail as to either of those opinions; for he had always found that, where disputed points of this kind were discussed, which turned more on theoretical principles than on facts, the discussion generally ended by leaving each party in the same opinion which he entertained when it began. He would, therefore, confine his remarks to what had been the usual practice in local enactments for many of our towns. He was quite aware that, according to ancient practice, no pecuniary qualifications were required for members of corporations; but the usual words of the charters were, that they should elect “fit, discreet, and respectable” persons to fill the corporate offices. No peculiar qualification was named beyond those general terms; but the spirit of the charters was, that persons fit for their respective offices should be appointed, and he apprehended that, even in those self-elected corporations, whatever might be their defects in other respects, care was taken to elect persons of wealth and respectability. Many towns were regulated in their local arrangements of police, watching, lighting, and so on, by acts of parliament, obtained generally with the consent of the whole body, or with that of the great majority of the rate-paying inhabitants; in some of these the officers of the corporations were included as guardians or trustees; in others they were not. These acts, he repeated, were in general sought for with the good-will of the majority of the rate-payers, and were discussed before committees of that and the other House; but in almost every case it was found that a small body was appointed for controlling the watching, lighting, or other local arrangements. Sometimes this body was elected by the rate-payers generally, and sometimes by those who possessed certain defined qualifications, but, in all cases, there was a fixed qualification named for those who were to be members of the governing body. In Manchester, it was necessary that the members of the governing body should each be the occupier of a house rated at £28 a-year, or the owner of a tenement of the value of £150. In the same town the electors of the governing body were required, as a qualification, to occupy a house rated at £16 a-year, or, if a publican, he must be rated at £32 a-year. In Salford, a similar principle was adopted, and he recollected well the hon. member for Salford calling their attention to the course of modern improvements in that town, and to the excellent system of local government; and yet, in Salford, a qualification was necessary on the part of each member of the governing body. The act which required the qualification was passed for the good of the whole town, and by the testimony of the hon. member himself, than whom no one was better qualified to judge of the management of the local interests, the act had effected its object, and given rise to not the slightest dissatisfaction. All these regulations, let it be borne in mind, were found in recent local acts, which were called for by the general voice, and which gave general satisfaction. In Birmingham, the qualification for the members of the governing body was, being rated at £15 a-year; or being possessed of £1,000 in real or personal property. In Sheffield, the qualification was being rated at £20, or possessing property to the value of £1,000. In Sunderland, it was being rated at £20 a-year, or having £30 yearly income. In Devonport, it was being rated at £20. In Wolverhampton, it was being rated at £20 a-year, or possessing £1,000 personal property. In Bilston, the qualification was £40 a-year in land, or being the son of a man worth £100 a-year, or possessing £1000 in personal property. In Bolton, it was £100 in



real or personal property. In Brighton, it was £100 a-year in house or land, and in Oldham, £100 in land. In Stoke-upon-Trent, the qualification for the governing body was £100 in land. He was taking, as illustrations of his arguments, those towns which were most popular, or which were considered to represent popular opinion.

Mr. Brotherton said, that, in Manchester and Salford, some individuals were commissioners under local acts for watching, lighting, &c., in virtue of their property, without being elected.

Sir Robert Peel said, that he spoke only of those who were required to be elected. In Stroud the qualification of a commissioner, under the local act, was £100 a-year in land, or being the son of a person having £150 a-year, or having £3,000 in real or personal property. He would not say, that this was the lowest scale to which a qualification should be reduced, but he had observed, that in places where the qualification was highest, there popular opinion prevailed most, and, as an instance, he might mention the borough of Stroud, which had returned the noble lord as its representative. He had mentioned these cases to show that, where powers were given, such as those of commissioners for watching, paving, and lighting, care was taken, in almost every instance, that the parties exercising those powers should have a certain qualification as to property. In asking the committee to adhere to this course, he sought to introduce no new principle. They were going to make a new governing body in corporations, and all he asked was, that they should not do away with the qualification which was usually required of every member of such body. But they were going to do more than confer the mere patronage of watching, and paving, and lighting. Some of the corporations under this bill, would have considerable patronage in other respects. The town council were to be, in some cases, commissioners of charities, and these were reasons why they should have some qualification as to property. The bill would give greater powers to magistrates in some corporations, and, he would ask, was it right that they should have less qualifications than were now given to those who had much smaller powers to exercise? Another reason for the necessity of a qualification was, that a party was liable to a fine for refusing to serve as a member of the governing body. A blank was at present left in the bill for the amount of the fine, so that he could not say what its amount was intended to be; but if a man were to be fined for refusing to accept an office, he ought to be selected from that class which could pay the fine, otherwise it would be gross injustice. But what fine could be imposed on a man who derived no qualification from property? He would not say, that the possession of property necessarily implied respectability, but it was, at least, some guarantee, in the party appointed to office, for his conduct in the discharge of its duties. It was required of a magistrate that he should have at least £100 a-year in the county in which he exercised his functions, but the Mayor of any of the corporations under this bill, would be a magistrate of the county in which it was situated. Would it not, in that case, be necessary that he should have some qualification? Was it not consistent with the principle laid down on the opposite side, that there should be no qualification for the mayor of a borough, who, being the returning-officer for that borough, was liable to a fine of £500 for any neglect of his duty as such returning officer. Surely, it was absurd to say, that a man who might be so fined for neglect of duty, might have no qualification as to property. Let him add, that a man was by this bill disqualified by bankruptcy or insolvency, yet both might be consistent with strict integrity; but if property was not to be a qualification, why should bankruptcy or insolvency disqualify? When he spoke of property as a qualification, he felt that it would not be proper to attach a very high qualification to the members of the governing body. In this respect, he thought there ought to be some distinction between towns. The bill related to towns, some of which were extensive and prosperous, and others were small and comparatively poor. Now it would not be fair to have the same test of qualification in these two classes of towns. He had looked to the cases of most of the towns, and he had adopted a lower qualification than that which was usually adopted; and in making it, he had distinguished between the two classes of towns recognised by the bill—he meant those which were divided into wards, and those which were not so divided; and, as he had mentioned wards, he hoped that the principle of dividing towns into wards would be more general than it was at present in this bill. He thought that that principle ought to be extended much beyond

what it was at present. He trusted also that the committee would go with him in thinking that it would be right not to adopt a single qualification for all towns, but they would consent to distinguish between the greater and the smaller towns. In the Birmingham bill, the qualification for the governing body was £1,000 real or personal property. He thought he could suggest a better mode of fixing the qualification. It would, in his opinion, be better to make it consist of joint qualifications; for many tradesmen might find it difficult to swear that they had realized £1,000. He would therefore propose, that in towns which were divided into wards, the qualification for the members of the governing body should be, that they were possessed of an estate, real or personal, of the clear value of £1,000, or that they should be rated to the relief of the poor on a sum of not less than £40 a-year. In towns not divided into wards, the qualification should be, that the town-councillor should be possessed of at least £500 in real or personal estate, or be rated to the poor-rate on a sum of not less than £20 a-year. Those who thought with him that there ought to be a qualification, might differ as to the amount which he had mentioned, but he could not think that he had stated it too low. There were various tests in several local acts, and he had taken the lowest. What he had stated was lower on the average than the majority of the cases in which local acts had been passed. The right hon. baronet concluded by moving as an amendment, that after the word "council" in the clause, the following words should be added:—"Provided such members of council who shall be elected in boroughs divided into wards shall, at the time of their election, be seised or possessed of real or personal property of the clear value of £1,000, or that they shall be rated on a rental of not less than £40 a-year; and also provided that all such members elected in towns not divided into wards shall, at the time of their election, be seised or possessed of property, real or personal, of the clear value of £500, or be rated to the relief of the poor on a rental of not less than £20 a-year."

In reply to Lord John Russell—

Sir Robert Peel said, that the noble lord had reproached—no, he would not say reproached—but animadverted upon him for not having rested his case on some general train of reasoning; but had he not adduced a stream of concurring evidence to show, that what he proposed would most conduce to the good government of the places to which this bill was intended to apply? He had thought it better to refrain from adducing any authority except such as was founded upon general reasoning; but if the House wished for other precedents, then he would refer them to one of great authority—he would refer them to a bill brought in by the noble lord himself—and when he heard the noble lord pronouncing censure upon those who were unwilling to place implicit confidence in the electoral body—when he heard him talk about good government on the part of the governing body, because, forsooth, the electoral body would only choose those in whom they could confide, he stared at the restrictions which he found on looking into the act which the noble lord had supported through that House, "for the better regulation of the affairs of the parishes of St. Giles's-in-the-Fields, and St. George's, Bloomsbury." Here there was an excellent opportunity for the noble lord to act upon his own principle; but had he done so? The noble lord had now disclaimed all restrictions as unnecessary and uncalled for, on the ground that the governing body would be always controlled by the good sense of the electoral body; but was this the principle upon which the noble lord's own act was founded? The House would see. The act to which he referred, provided that one-half of those who should be eligible to vote for the election of vestrymen, churchwardens, and other parochial officers in the parishes of St. Giles's-in-the-Fields, and St. George's, Bloomsbury, or who, in execution of that act, should, from time to time, be elected under it, should be resident householders in the parish, and rated to the relief of the poor in an annual assessment of the value of not less than—what did the House think? why, than £75 per annum. The noble lord attached another qualification to the other half; but although four divisions took place respecting the qualification of the electoral body, not one division occurred with reference to the governing body. By the same act no rate-payer was entitled to vote unless rated to the amount of £30 a-year. An hon. gentleman proposed that the rating of voters should be £15, but the noble lord opposed and divided against the proposition, which was lost. The noble lord said on that occasion, that though he

thought £30 too high a qualification, he considered £15 too low. Not a doubt was entertained as to the propriety of the qualification of the governing body, but there were four divisions on the subject of the elective body. Thus it appeared, that when this act was passed, the noble lord, who now reposed the utmost confidence in the discrimination of the elective body, had great doubts as to the electors choosing the persons best qualified for the due administration of their affairs.

The Committee divided on the amendment; Ayes, 204; Noes, 267; majority 63. Several other clauses were agreed to, and the House resumed.

## CHURCH OF SCOTLAND.

JULY 1, 1835.

Lord John Russell moved, as an amendment to the motion of the Lord Advocate for the appointment of a committee to inquire into the Church of Scotland, "That an humble address be presented to his Majesty, praying that his Majesty will be graciously pleased to appoint a commission to inquire into the opportunities of religious worship, and means of religious instruction, and the pastoral superintendence afforded to the people of Scotland, and how far these are of avail for the religious and moral improvement of the poor and of the working classes; and with this view, to obtain information respecting their stated attendance at places of worship, and their actual connection with any religious denomination; to inquire what funds are now, or may hereafter be, available for the purpose of the Established Church of Scotland; and to report from time to time, in order that such remedies may be applied to any existing evils as parliament may think fit."

SIR ROBERT PEEL: If the motion of my right hon. friend had been brought before the House at an earlier period of the session, considering his high authority, I should have had no difficulty whatever in expressing my preference of it to the amendment which has been moved. But I cannot omit from my consideration the time in which we have to decide upon it. On the 1st of July it is that we are called upon to go into an inquiry, and at this late period I feel that it is impossible to come to any conclusion which will lead to a vote of the public money. Two months ago I should not have hesitated to prefer the original motion, but at this advanced period I cannot but think that the inquiry by commission will be more satisfactory than the appointment of a committee for the same purpose. I am afraid that the appointment of a committee would lead to a double inquiry, that, at the termination of their labours, the committee would find it expedient to recommend that a commission of inquiry should be instituted. In short, the result would be the same as that of the corporation committee. After spending much time in fruitless investigation, the committee would find themselves unable to come to any satisfactory conclusion—a committee of local investigation would, from its expense, be out of the question—and the only course left would be to appoint that commission of inquiry, which, if it is to be ultimately recommended, had better be appointed at once. I find it impossible to throw the present time out of consideration, and, therefore, I am inclined to prefer the full investigation of the matter by a commission to its consideration by a committee. There is a slight difference in opinion—slight in terms, but important in principle—between the noble lord and myself. Last night I took the liberty of referring to that passage in the address which was carried *nemine contradicente*. His Majesty, in his address to the two Houses, called their attention to the two Church Establishments in the two parts of the United Kingdom, England and Scotland; and informed them that he had already appointed a commission for the purpose of enquiring into the condition of the Established Church in this country. In the answer which the House returned to that portion of the speech, we expressed our acknowledgments to his Majesty for informing us that the special object of the appointment of the commission was, to extend more widely the means of religious instruction, according to the doctrines of the Established Church, and to confirm its hold upon the affections of the people. We then assured his Majesty that we should take into consideration the condition of the Church of Scotland, and the means of religious worship which were afforded to the poorer classes in that part of the United

Kingdom. All that I propose is, that the House of Commons should confirm and realize the assurance which they gave at a time not remarkable for the good agreement of the members, but at a time when party spirit ran high, and when other parts of that address were amended, in opposition to the government. Notwithstanding the then bitterness of party spirit, the House of Commons unanimously assured the Crown that they would take into consideration the condition of the Scotch Church Establishment. Now, I do not hesitate to say, that though I am not a member of the Church of Scotland, yet I look at it as an Establishment in the same point of view as I look at that of which I am a member. There is, I apprehend, no one point which we are bound to uphold in the case of the Church Establishment in this country, that we are not equally bound to uphold in the case of the Church Establishment of Scotland. This opinion I give not on dry and technical grounds—but I do state that the obligation which I feel as a subject of the King, is confirmed by my respect and attachment to that church, arising from the opportunities I have had of witnessing the virtues and services of her ministers, and their effect in improving the moral and social condition of the people. All that I ask is, that we should place the Church of Scotland, in our inquiries into its condition, in the same situation in which we have placed the Church of England, and that we should recognise its claims as an Establishment precisely to the same extent. To recognise the equal claims which the Church of Scotland has, will, I apprehend, give universal satisfaction to its members, and to all those who regard it in the light in which I regard it. The noble lord opposite has moved, that an humble address be presented to his Majesty, praying that his Majesty may be graciously pleased to appoint a commission to inquire into the opportunities of religious worship, and the means of religious instruction and pastoral superintendence afforded to the people of Scotland, &c. All that I propose is, to insert after “pastoral superintendence,” the words, “by the Church of Scotland.” If I am asked, Whether I would exclude other inquiries, I must say, Most certainly not. I do not, indeed, think that the object of the commission could be completed if we excluded other inquiries—as, for instance, into the moral and social condition of the working classes, their actual attendance at divine worship, and their connection with any religious sect. After the commission appointed by the Crown to inquire into the means of religious worship according to the doctrines of the Established Church in England, and after the assurance of the House of Commons, that the condition of the Church of Scotland shall be investigated, I do contend, however unimportant the point may be as to the inquiry, though it certainly is not in principle, that we should put the Church of Scotland on precisely the same footing as the Church of England, to which it has just claims according to law, and according to the constitution. And this we may do without at all prejudicing the inquiry into the means of religious instruction afforded by other religious denominations. This, be it observed, is a delicate point, and I hope the noble lord will consult, not the possibility of objection, but the importance of my suggestion, and accordingly will consent to the introduction of words recognising the principle of the Established Church in Scotland, as equal to the Establishment in England. That is the whole of my suggestion. But the discussion of the main question I shall not enter upon, as I wish no hostility to be provoked between the Established Church and those who have seceded from it. What I feel is this, that there is between the Dissenters and the Established Church an enormous neutral ground of infidelity, which, by an union of exertion and perseverance, it is possible to reclaim. Of the Dissenters I should be far from speaking with disrespect. Their voluntary exertions in support of religion I honour; and therefore, while I support the principle of an ecclesiastical Establishment, and the extension of its means of affording religious instruction, I should never grudge the applause to which the labours of those who have seceded from it are entitled. The Established Church and the Dissenters are, I say, equally interested in reclaiming from infidelity the thousands and tens of thousands who have never heard the name of their God—and for whose benefit it is proposed to extend the means of moral and religious instruction in Scotland. The only remaining point to which I shall allude, is the expediency of his Majesty’s government considering the policy of making any alteration in the law rather than devolving that duty upon a commission. Shall we authorize the commission to inquire what funds are, or may be, available for the establishment of the Church of Scotland, and

whether any funds are available without an alteration of the law, or shall we not rather reserve to ourselves that question? To the commissioners ascertaining any important fact I have no objection; but certainly I think that the policy of altering the law ought to be ascertained by his Majesty's government and the House of Commons. I doubt the expediency of transferring the power of considering such a point to the commission, and withdrawing from the government its proper responsibility. What may be the effect of this vague and indefinite direction? May you not cause those who are prejudiced against religious inquiries to entertain apprehensions which, however groundless, are not the less forcible with those who have not immediate access to the best sources of information. Besides, I would suggest that those who are well qualified for making religious inquiries, are not always equally qualified for carrying on political investigations. I trust that the noble lord will agree to my suggestion, and, if so, I hope that the discussion will be left in that state which is least likely to induce any irritated feeling or promote any asperity, which in a question involving religious interests it is so desirable to avoid.

After a short discussion the original motion was negatived, and the Address moved by Lord John carried.

## CORPORATION REFORM.

JULY 2, 1835.

The House having gone into Committee on this bill,—

On Clause 42 being proposed, relating to Town Clerks and other Officers of the borough, Lord Stanley proposed an amendment, to the effect that the Town Clerks hereafter to be appointed, should have a tenure of office during good behaviour.

SIR ROBERT PEEL did not consider the arguments of the noble lord (Howick,) who had just addressed the House, perfectly conclusive in favour of retaining the clause as it stood. The noble lord, for instance, in the first place, stated that one of the grounds on which the town clerk would, under the proposed bill, be sure to be continued in office, was the difficulty of getting rid of him. Was there, then, to be such a want of fixedness of purpose among the new bodies—were they to be so completely subject to unjust influence, as that an officer appointed under them had no other security for the tenure of his office than their inability to go on without him. The noble lord had argued almost entirely for the vices of the present system. Every deduction which could be derived from the working of the existing corporate bodies, the noble lord enlisted into his service. Now, he thought these bodies would be subjected so completely to the influence of popular opinion, and that the duties of their officers, and amongst others, their town clerk, would be so clearly defined, as that it would be almost impossible they should do wrong, and consequently be subjected to the loss of office, except by wilful and gross misconduct. The noble lord appeared to be labouring under some mistake as to the practical effect of this measure, or he took a very despairing view of it, and seemed to entertain much less confidence in the exercise of public opinion than could have been expected. The noble lord had stated that a canvass was already going forward for the office of town clerk. Certainly these canvassers must be gifted with the keenest scent of office of any men who ever existed; for, be it recollected, it was the council who had the power of nominating to the office of town clerk, and the solicitation must be directed to a council not yet in existence, which was to be chosen by burghesses not yet made. The reasons which induced the House to give the coroner his tenure of office during good behaviour, applied to the town clerk, for the duties of both were analogous. For his part, he thought all legal appointments should be permanent, and he regretted that it was not customary to continue in office the Attorney-general on a change of administration. He ought to be a man who, from long experience, was well acquainted with the duties of his office, and was active in the performance of them. There was no reason why the Attorney-general should be a political officer more than a judge.

The Attorney-general: Nothing should induce me to hold office under men from whom I differ in politics.

Sir Robert Peel resumed. He was only speaking of an attorney-general in the abstract, he was making no particular allusion to the hon. and learned gentleman. Crambo had found it impossible to form an abstract idea of a lord mayor without imagining some particular individual clothed in the robes of office—gold chain, furred gown, and the other exterior manifestations of the civic dignity. But he merely spoke of an attorney-general in the abstract, and regretted that that hon. and learned gentleman sitting opposite to him had, by his impatient political virtue, tended to disturb his abstract idea of an attorney-general. He had, however, known instances in which attorneys-general had remained in office when a change in the administration had taken place. [The Attorney-general: I would not do so.] The chivalrous declaration of the hon. and learned gentleman was favourable to his view; for it went to prove that, if the office of town-clerk were made a political one, he would be deprived of his office every time a change took place in the dominant party in the council. Would not this be the language held in the different boroughs by those from whom the town-clerk might differ in politics:—"True, he discharges his duties exceedingly well; we have no fault to find with him on that head; but then there are dozens of our own active partisans here, of known adherence to our political opinions, and one of whom, we are, therefore, bound to appoint to his office." Such was the principle which had been declared by the hon. member for Nottingham, when he stated that he could not permit Lord Ellenborough's nominee to remain in office, and recommended his Majesty to remove Lord Heytesbury, and was such a principle to be acted on in every borough in the kingdom? Then again, according to the principle of the hon. and learned gentleman, not only will political opinions influence the elections of legal officers, but if the town-clerk, for example, entertained certain views in politics which differed, or which he thought differed, from the opinions which prevailed in the council, he would be bound, according to the praiseworthy declaration of the hon. and learned gentleman, immediately on ascertaining the fact, to tender his resignation. He only put this case hypothetically; and he trusted that the town-clerk, when once appointed, might rely on his personal integrity and character as a security for the permanent tenure of his office, and might feel convinced, that when he lost that security he could no longer retain office against the good sense and feeling of his fellow-citizens. It certainly appeared to him to be of great importance, that as the council was a fluctuating body, and as two-thirds of them retired annually, that such an officer as the town-clerk should hold office during the continuance of his good conduct, and that the services of an officer of the council should be thus secured; a man who could answer those inquiries which would be likely to be made by a new council, who was acquainted with all the points of law referring to them as a body, who was in possession of all their records, and who had a personal interest in promoting the welfare of the borough. He thought that, on the principle that the Speaker of that House was appointed during the existence of the parliament, without its being necessary to hold over him the constant control of annual rejection, it would conduce to the respectability of the office of town-clerk, and of the man who filled it, if the tenure of office were permanent, and dependent only on good behaviour.

The amendment was negatived by 125 to 65; majority, 60.

JULY 3, 1835,

Clause 56, respecting Charities, being proposed—Mr. Hughes Hughes moved, "That there be added to the number of charitable trustees for every borough, the Recorder for the time being (if any) of such borough, and all Justices of the Peace acting in and for the same."

SIR ROBERT PEEL thought no one could for a moment contest the truth and importance of the observation made by the hon. member for Southwark, that they should all, on such a question as the present, whatever might be their divergence of political opinion, endeavour to consider this question on its own merits without any party bias, and solely with the view of making the clause as satisfactory in its operation as possible. With that object in view, and there being no difference of principle between them, they had first to secure the application of those charities as nearly as possible to the original intentions of their foundation, and in the next place to prevent the abuse of them for any parliamentary or electioneering purposes. The

only question was, by what mode those objects could be most efficiently carried into practical effect. He agreed with the hon. member for Southwark, that wealth, property, and station in society were not necessary guarantees of the due performance of a charitable trust. The truth was, that persons were apt to undertake the duty of trustees without at all considering the obligations which that imposed on them; and in proportion to the high station which they occupied in society, having more important matters to engross their time, it was not likely that they would give all that detailed and continuous attention to the trust which, perhaps, its interest and importance demanded. But while he agreed with the hon. member so far, he must be allowed to go a step still further. He confessed he did not think, on the other hand, that any system of popular election or control would of itself supply a sufficient guarantee that the charity trusts would in all instances be properly discharged. He did not by any means wish to undervalue the usefulness of that principle. He believed that popular control would induce the council to administer properly the borough funds, to enforce a system of economical expenditure, and adopt proper measures with respect to paving, lighting, and other local matters in which the interests of the borough might be internally concerned. But with respect to charities, he did not think that popular control would be a sufficient check to the abuses which were complained of under the present system. Party feeling would no doubt enter into the constitution of the council, and where there were advantages to be distributed, and good things to be given away, they had a right to presume the possibility of abuse, and adopt the best means of preventing it. The whole of this country was divided in political feeling, and those differences of opinion and prejudices existed to as great, if not to a much greater, extent in small boroughs as compared with large towns. Indeed, he very much doubted whether the severest contest might not, in the history of elections, be traced to local partialities for particular families rather than to any broad and distinctive differences of opinion on great political questions. The predominant party must, according to all analogies of the constitution, be presumed to be a body capable of committing an abuse, and therefore they ought to take some security that the perversions which had occurred under the old system should not be perpetuated under the new. Their first object should be to provide for the due fulfilment of the original trust, and then to take care that no perversion took place. He greatly regretted that the House was called upon at present to make any arrangement on this subject; for he was most anxious that the fulfilment of these trusts as originally intended, should be secured, and the perversion of them to any but the specified or proper purposes be prevented. He was afraid, however, that if they were under the complete control of the corporate bodies, the application of these funds would be guided by the political opinions and party and private prejudices which must inevitably prevail in such bodies as those contemplated. The hon. gentleman, the member for Southwark, proposed, and the noble lord appeared to assent to his proposition, that there should be instituted some central and general commission, which might exercise a superintending authority over all those charities. He did not deny that in some cases a superintending commission might do some good; but he very much doubted whether the appointment of one to watch over the distribution of the existing charities, would be attended with the advantages which the noble lord seemed to anticipate. These charities were generally granted by individuals, to be applied to some specified purpose, for local and individual benefit. Now, the management of such funds must naturally rest with those who are resident at the place in which they were to be distributed. A superintending board might very well direct the mode in which the accounts of charitable bodies should be kept, or originate the appointment of trustees; but as these charities were strictly local, as different objects were contemplated by the establishment of each of them, as they were held in trust by different persons and different bodies of persons, the immediate direction and superintendence of them must be local. And no board sitting in London could determine whether they were applied to the personal purposes which they were originally meant to answer. All the knowledge which the details connected with such funds called for, required local and individual management, and imposed upon the legislature the necessity of leaving them to the management of local authorities, to be constituted in some way or other. The noble lord had alluded to a bill which he had brought in with respect to endowed schools in Ireland, and argued that because

he had appointed, under that bill, a central board in Dublin, he was favourable to the formation of a similar body to watch over the distribution of the funds of the various charities throughout the country. The cases, however, were very different. These endowed schools were, in Ireland, spread over the whole country, and it was very easy for a board sitting in Dublin to exercise a superintendence over schools all established on the same royal foundation, to direct the amount of salary to be paid to the masters of them, and to watch over their general management; but it did not follow that a board appointed in Dublin to direct the distributions of the funds of the numerous charities in Ireland, could attempt to answer the object of their establishment with any prospect of success. He was very much afraid that they were proceeding to legislate with respect to these charities without sufficient information. He had hoped (and he would certainly suggest it to the noble lord) that the noble lord would, before they took any step in the settlement of this question, have appointed a select committee for the purpose of making a report to the House on the nature of the charities connected with corporations. He thought that some scheme must be devised by which a provisional arrangement must be entered into, before the clauses which regard to charities supposed to be connected with the corporations, could be carried into operation. He was quite satisfied that the charities of the old corporations, which were left under bequests or acts of parliament, could not be transferred to the new bodies without making some intermediate provision. The nature of those trusts varied exceedingly; for instance, some of them were left for the benefit of the freemen, who were those appointed under a totally different system to be in future the recipients of these funds. The freemen were, by this bill, about to be extinguished; in what manner were these funds, left exclusively for their advantage, to be in future applied? By the great revolution which was about to be effected in corporations, the new trustees would find it exceedingly difficult to administer them according to the original intention of the donors. This dangerous question would also be raised by it, "What is corporate, and what is charitable property?" Now he thought it would comparatively be a very easy matter for nine or eleven gentlemen first to give a general view of the different trusts, to distinguish between those which could be considered only corporate property and those which were detached from the corporation, and determine by what scheme they might be applied, as strictly as possible, to their original purposes. He would, at all events, recommend the noble lord to erase that clause by which every person is prevented from being a charitable trustee, under the new bill, who is not a burgess. There were many respectable clergymen and gentlemen who were perfectly well qualified to become trustees to charities, but who had no desire to mix in local politics or differences, and who would, therefore, be unwilling to become enrolled as burgesses. He would not hesitate to go the length of saying, that the man who had no direct interest either in electioneering or municipal purposes, would be far the most likely man to use his exertions towards the fair and honest application of charitable funds. He begged, in conclusion, to impress on the mind of the noble lord opposite, that such a transfer of trust as this bill effected, should not be made without due consideration, and on the fullest information. There was in one city so large a sum as £18,000 a-year disbursed annually under charitable trusts. How did they mean to deal with such property? which must prove a blessing or a curse, according as it was well or ill applied. It would, he thought, be most desirable, if the noble lord should not consent to the postponement of the question of charitable trusts until the House was in possession of the knowledge which would enable them to legislate properly on the subject, that he should agree to leave the further consideration of this and three or four other clauses which referred to charities, until the other provisions of the measure were disposed of.

Lord John Russell observed, that if the right hon. baronet (Sir R. Peel) wished to have the clause postponed till Monday, with a view to make any favourable alteration in it, he would not object to its being postponed.

Sir Robert Peel could not hold out any such hope to the noble lord. He would, however, say one word more with respect to a commission. He thought that much more good might be effected by the appointment of some person attached to one of the offices of state, who would give constant reports to parliament of the mode in which the duties of those invested with charitable trusts were fulfilled, than by the



establishment of any cumbrous commission. Instead of dividing the government of the country into a variety of commissions, it was his decided opinion, that when any increase of its functions was rendered necessary for such an object as that of watching over the management of charitable uses, that some person should be attached to one of the departments connected with some of the responsible ministers of the Crown, by which course all the expense of a commission would be saved, and the danger of having such practices carried on under the countenance of such a body as might escape the observation of parliament, avoided. He would throw out, therefore, a suggestion, the adoption of which would save a tenfold degree of expense—that a clerk should be added to those of the treasury or home office, who should have the direction of these charitable funds, and should have part of his time employed in some other business, if it should happen not to be wholly engaged by the duties imposed on them. He did hope, therefore, that the government would give up the idea of appointing any commission, but would see that the duties of such a body should be performed by some person in the office, and under the control of some responsible minister of the Crown.

Various verbal amendments were agreed to; and eventually the clause, as amended, was ordered to stand part of the bill.

JULY 6, 1835.

The 79th clause, as amended, having been read, Lord John Russell thought it necessary to mention two of the alterations in the clause. By the first, the town council were made liable to the payment of the capital as well as the interest of the debts of the corporation; and, by the second, they were not at liberty to lower the rate until this debt of the corporation was satisfied.

SIR ROBERT PEEL said, that in case a surplus should remain after providing for municipal purposes, he hoped that the town council would not have the power of alienating what was considered corporate property. The corporations had, in many instances, large estates, which in all probability would increase in value under a system of good government. Now, he apprehended that under the bill, as it then stood, or at least as it was originally introduced, the town council would be invested with all the legal powers which the existing corporations possessed; and according to the construction put on the law, by the Court of King's Bench and other judicial tribunals, the town council might be enabled to alienate the property of the corporation. The corporation of the town of Derby imposed a rate at one time for the purpose of lighting and watching, under an act called the county-rate act. By this act the corporation of this town were empowered to levy a rate for certain municipal purposes. The corporation of the town imposed that rate. It was objected to by some of the inhabitants, on the ground that there were in the hands of the corporation sufficient funds to answer the object for which the rate was imposed. They alleged that they ought not to be called on to pay a rate in the shape of a county-rate until the funds of the corporation were proved to be exhausted. In the Court of King's Bench, however, it was ruled (Lord Ellenborough being the Chief Justice) that they had no power to compel the corporation to apply corporate property to municipal purposes, and the validity of the rate was accordingly established. Lord Ellenborough ruled, too, in that case, that except in certain instances, in which ecclesiastical property was left within the control of the corporation, the corporation did possess the power of alienating its property, and applying it to corporate, as distinguished from municipal, purposes. Here might, then, be a case in which a clear surplus, arising from property belonging to the existing corporations, would be placed at the disposal of the new body called the town council, and which might by them be applied to "corporate purposes," in the altered acceptance of the terms. What he desired, then, was, that if any such case as that to which he alluded should occur (and he admitted that it was likely to be of rare occurrence), the town council should not have the power of distributing or alienating corporate property without the authority of the privy council, or some higher power.

Lord John Russell said, that he had provided for the case which the right hon. baronet anticipated.

Sir Robert Peel said, it was difficult to amend the bill, even when the amendments were assented to. There was what appeared to be a discrepancy between the bill

and one of the schedules in an important particular, to which he begged leave to call the attention of the noble lord. In page ten, line ten, the clause assumed that the particular species of property for which an individual was entitled to vote should be described on the burgess-roll: the words were these—"And no person shall be admitted to vote at any such election except at the booth allotted for the part wherein the house, warehouse, counting-house, or shop occupied by him, as described in the burgess-roll, may be." It contemplated a distinct description of the nature of the property out of which the qualification arose, following the principle of the Reform Bill, as was indeed absolutely necessary, in order to guard against those cases of fraudulent description which otherwise were likely to occur. If the noble lord, however, looked at schedule D, he would find that there was no column for a description of the property, but only for the street in which it was situate. Arguing from the analogy of the Reform Bill, and on every principle of common sense, there should be a third column, containing a specific description of the property out of which the franchise arose: at present the schedule was at variance with the enacting parts of the bill. He begged to call the attention of the noble lord to another point. The rate to be levied was to be in the nature of a county-rate, and that was the form used in previous acts of parliament. The clause provided that the council should not be empowered to receive an appeal against that rate, but it assumed that there might be an appeal against the rate made by an individual, the words being—"and if any person shall think himself aggrieved by any such rate, it shall be lawful," &c. Now, there was no appeal on the part of an individual against the county-rate; that appeal must be made by parishes. The law required that the rate should be of the nature of a county-rate, and yet it anticipated an appeal against it, while there could be no such appeal; for though there might be an appeal by a parish there could be none by an individual. He had no doubt, if it remained in its present vague and indefinite shape, much inconvenience would arise, and great expense would be incurred in useless litigation. In his opinion, it would be highly expedient to separate the payment on account of poor-rate from that payable for borough-rate. Thus, should the whole payment be 2s. 6d., 1s. 6d. might be paid on account of the poor, and 1s. for the borough. The whole 2s. 6d. ought to be applied for at one and the same time, for he was fully aware of the aggravation of the burthen of payment which separate applications occasioned, but his wish was that the 1s. 6d. and the 1s. might be set down in the account as separate items.

On a subsequent part of the clause,

Sir Robert Peel called the attention of the House to the necessity which there existed to make provision for the payment of the debts of a corporation. He knew the case of a corporation which for upwards of two hundred years had remained in possession of a certain quantity of freehold property, that freehold was now claimed on behalf of the poor of the parish, and proceedings in Chancery had been instituted for the recovery of it. The only result of those proceedings up to the present time was, that costs had been incurred to the amount of £1000; of that, £500 had been paid. Now, suppose the suit were to be decided against the corporation, who was to pay the remaining £500? It was true that the tolls were not alienable till the debts of the corporation were paid; but he entreated the House not to agree to an enactment which would have the effect of continuing tolls that might ruin the town. He felt quite assured that the present bill ought not to be disposed of until some provision were made for paying the debts of a corporation. The matter ought not now to be passed over, but some specific and distinct mode should be provided, by borough-rate or otherwise, for paying those debts.

The clause, as amended, was ordered to stand part of the bill.

Lord John Russell next proposed the insertion of a clause in place of the 30th clause, which had been postponed, to the effect that in all cases where the population of a borough exceeded 12,000, his Majesty should be empowered to divide it into two wards, for the purpose of electing town councillors; and where the population exceeded 24,000, then into as many wards as his Majesty should think fit.

Sir Robert Peel said, as there might be as many burgesses in a borough with a population of 10,000 as in one where the number of inhabitants amounted to 12,000, this restriction of the exercise of the power intended to be invested in the Crown

was unwise as it was, in apprehension, unnecessary. It might also so happen that, in boroughs where the population exceeded 18,000, more than two wards would be necessary, and therefore it was, that if they were to place such a power in the hands of the Crown, it should be so placed as to enable the Crown to exercise a proper discretion. Many boroughs, with a less population than 10,000, now actually conducted their business by means of wards; and he might mention Ludlow as one; and, for his part, he should wish to see the privileges of those boroughs preserved to them wherever the system had been found to work well. He thought, however, that the power of division was one which ought to rest with the parliament rather than with the Crown; but still, as the intention of the noble lord's bill was to confer it upon the Crown, he certainly should be sorry to see it limited, as this clause proposed. There might be double the number of voters in one borough that there was in another; and surely, if this point was to be determined by the Crown, it was no more than fair that the Crown should be left something like the exercise of a discretion with respect to the division into wards. But the noble lord's clause laid down nothing like a principle. It did not appear whether the divisions were to be effected by a reference to the number of burgesses, by the number of inhabitants considered in connexion with the payment of rates and taxes, or by the gross number of the population of men, women, and children of the borough; and, if no rule were necessary to be prescribed to the Crown in this respect, surely no rule should be laid down as to the number of wards into which a borough should be divided.

In reply to Mr. Grote—

Sir Robert Peel thought that establishing a minimum of rate-payers would be a very good principle to go upon; and such a test, he must say, would be obviously much better than if they were to be guided solely by the total number of men, women, and children. He was surprised, he must confess, to hear the hon. gentleman, the member for the city of London, condemning a system which prevailed in that city, which was held up in the report of the commissioners as a perfect model of a corporation.

The clause was agreed to, and the House resumed.

## TITHES AND CHURCH (IRELAND).

JULY 7, 1835.

Lord Morpeth brought up and laid on the table of the House a bill for the better regulation of ecclesiastical revenues, and for the moral and religious education of the people of Ireland, which was read a first time, and ordered to be read a second time on Monday next.

SIR ROBERT PEEL rose and said, I wish to take this public opportunity of stating the course which I intend to pursue with respect to this bill. It comprehends some enactments in the general policy of which I concur; it comprehends others to which I feel the most decided objection in point of principle. I concur in the policy of making some new arrangement with respect to the collection of tithe in Ireland—I concur in the policy of substituting for the payment of tithe in kind, and also for composition for tithe, a rent-charge, as provided by one part of the noble lord's bill. I disagree as to making that rent-charge perpetual. I disagree as to the omission of conversion and redemption of the rent-charge, and its conversion into land. But at the same time, in the present state of Ireland, and with my strong feeling of the policy of making some immediate arrangement in respect to the collection of tithe, I have, notwithstanding the decided objection which I feel to other parts of the bill, a difficulty in giving a vote on the second reading, the effect of which, if successful, would probably be to preclude that arrangement with respect to the substitution of a rent-charge in lieu of tithe, in the general policy of which I concur; but I have no hesitation in saying that my objection to other parts of the bill, particularly to the appropriation of ecclesiastical property to other than ecclesiastical purposes immediately in connexion with the interests of the Established Church; and my objection to the wholesale suppression of the spiritual

charge of so many parishes in Ireland, are so strong, that I cannot consent to purchase the benefit of the substitution of a rent-charge for tithe on the conditions which the noble lord has annexed to the change. The course, therefore, which I mean to pursue is, that on the motion that the Speaker leave the chair, for the purpose of enabling the House to go into committee on this bill, I shall move an instruction to that committee, that the bill introduced by the noble lord be divided into two bills. I do this for the express purpose of enabling those who may concur in the view I take, to support that part of the combined bill to which I am ready to give my assent; and I do it also for the express and avowed purpose of enabling myself and those with whom I act to reject altogether, if we can, that portion of the bill from which I entirely disagree. By taking that course, I relieve myself from the difficulties which I must necessarily incur on my rejecting, or attempting to reject, the bill as it now stands on its second reading. I should be affected by the opposition of those difficulties on many grounds, and amongst others by being obliged to manifest an apparent disposition to prevent some arrangement being made for that relief to the suffering clergy to which they are justly entitled. If I should succeed in my motion, and if the instruction to the committee be agreed to, I shall then have an opportunity of giving my assent to that part of the noble lord's bill of which I approve; but if that motion be objected to, and if it be determined that the principles involved in the bill shall not be separated, I shall have taken that mode of manifesting my decided objection to an appropriation of ecclesiastical revenue to other than ecclesiastical purposes, and to the suppression of the cure of souls in 868 parishes in Ireland. I should, I repeat, thus declare my sentiments as to these two principles, whilst I would give my assent to that by which the conversion of tithe or composition for tithe into a rent-charge was intended to be effected. The noble lord may easily see, therefore, what course I mean to take on the second reading of the bill. As I shall have an opportunity of fully explaining my views when I introduce my motion for an instruction to the committee, and as I do not wish to trouble the House with a double explanation of them, I shall move no amendments, nor occupy at all the attention of the House by addressing them on the second reading. It would, therefore, be for the convenience of the House, and of all the parties concerned, if a fair notice were to be given by the noble lord of the day on which he proposes the House should resolve itself into committee for the consideration of the Irish tithe bill. I think it therefore probable (though I cannot, of course, answer for the other members on this point), that there will be no lengthened discussion on the second reading, and therefore it is desirable that the noble lord should to-morrow, or, at all events, on an early day in the week, give a public notice of the day on which he means that the House should go into committee on the Irish tithe bill, and the debate on the important question involved in the bill should take place. I don't mean to say a word more, or adduce a single argument in favour of my views on this subject. All I desire is, that it should be understood that it is my distinct object to take the sense of the House on the principles involved in the two parts of the bill to which I have already alluded.

The bill was read a first time.

## GREAT YARMOUTH ELECTION.

JULY 14, 1835.

In the debate on Mr. Rigby Wason's motion, praying that the House would cause an inquiry to be made into the circumstances stated in the petitions from Great Yarmouth, of the 26th and 30th June, and that they be referred to a select committee.

SIR ROBERT PEEL would give his vote against the appointment of a committee upon this ground—that the effect of such an appointment would be gradually to undermine the force of that tribunal which had been founded for the express purpose of securing equality and impartiality in the decisions of that House. The hon. member who cheered might doubt whether the tribunal had that effect; and if the hon. member would show him that any other system could be devised, by which the character of the House could be sustained for the impartiality of its decisions on

election cases, he should be glad to adopt it. He was not contending that the present tribunal was the best for that purpose, but was simply stating, that the object of it was to do away with the scandal of former times, which was practically found to result from leaving these matters to be decided under the influence of party feeling in this House. If petitions, such as that now before the House, were made the subjects of special inquiry, the House would be virtually doing away with the Grenville Act, and taking from the proceedings of election committees the sanction of an oath, which only committees under that Act could administer. What was the fact with regard to the committee on the Liverpool case? They had no power to compel the attendance of members; and he believed that not three members regularly attended that committee. But under the Grenville Act regular attendance could be enforced. Supposing, however, the committee to be appointed, what was to be its object. It was not to try the right of a member to a particular seat, but to decide on the existence of the elective franchise of the borough; and this on the allegations contained in a petition which had been signed twice, and in one case seven times, by the same person. Having once sanctioned this committee, where would the House stop? You cannot draw the line at a petition signed by 1,300 or 1,000. The principle on which you go will just as well, as far as I can see, justify you in taking a similar course with one signed by 100, or even a smaller number. And see who are they, on whose allegations you are about to take this step. They are wholly irresponsible, and have not even the risk of incurring any expense if they do not succeed in making good their allegations; and yet, on such grounds as these, you establish a precedent by which the franchise of any city or borough in the country may be put in jeopardy. This was a serious, and in practice a very embarrassing proceeding. In addition to the Grenville Act, the noble lord opposite (Lord John Russell) had passed a resolution which entirely met a case of this kind. For where a petition had been postponed for fourteen days after the return of the writ, the resolution gave the parties who could allege the fact of bribery having been committed, leave to present a petition to the House within twenty-eight days after the fact alleged was said to have taken place. But in the present case the parties did not come forward within twenty-eight days. Again, as well under the resolution of the noble lord as under the Grenville Act, the parties incurred some responsibility; but they were now about to open a mode of investigation which dispensed with all responsibility. He would venture to say, that if this precedent should be established, the two former courses would no longer be acted upon, but that parties, taking the choice of destroying the elective franchise without any risk, this would be the only course resorted to. Under these circumstances, and believing that no case existed which could be made a precedent for this motion—believing that, if they once adopted this, there would be no limit as to the numbers on whose allegations a similar charge might be brought, that it might be 1,300 or not 100; believing also that this precedent would bring back the most objectionable practice of deciding election matters rather with reference to the interests of political parties than to the intrinsic merits of the case, he must, if this case went to a division, give his vote against the motion.

On a division the numbers were, for the motion, 116; against it 132; majority in favour of it, 54.

The appointment of the Committee was postponed.

## CORPORATION REFORM.

JULY 16, 1835.

The House resolved itself into a Committee on this bill.

On the 11th Clause being read, which provides that no new burgesses be admitted who are not qualified under this Act.

Mr. Praed proposed an amendment, relative to the continuance to the present freemen of their parliamentary rights.

Rising after Lord John Russell,—

SIR ROBERT PEEL said, that the noble lord having commenced his speech by promising to argue the question, not only briefly, but drily, he thought the noble

lord meant not to draw upon his imagination, but to adhere to facts. However, when he found the noble lord asserting that this measure did not alter the Reform Act, and that it had nothing to do with the election of members of parliament, he thought the noble lord was not proceeding quite so drily as he promised, but that he had drawn largely upon his fancy, and been guilty of, as great a sophism as was ever committed. What he complained of was, that the noble lord did not undertake to alter the Reform Act explicitly and avowedly, as, if he believed it to require alteration, he ought to have done, but the noble lord proceeded indirectly to effect his purpose. If the noble lord believed that bribery existed generally among the lower class of freemen, and could support his opinion by proof, let him come forward, and on that ground manfully and avowedly deprive the freemen of their right of voting for members of parliament. But the noble lord did not take that course, though in the course which he pursued, he covertly interfered with the provisions of an act which the country had been taught by the noble lord himself to consider a final settlement. The noble lord admitted that he did make use of that expression when he consented to "perpetuate" the rights of the freemen, a phrase which dropped from the noble lord in the unsuspecting candour of his nature. A fine notion of perpetuity! Since this final measure a period of three years had elapsed, and now the noble lord came forward to destroy the right which he admitted he intended to perpetuate. Just see in what manner the right of freemen to vote for members of parliament was finally confirmed by the Reform Bill. But first, in reference to the statement that this was a compromise, a step of submission taken to induce the Lords to agree to the measure, and one which therefore ought not to be persisted in; he must say that this was a bad, not to say dishonest, argument. If the House of Commons did procure the consent of the other House of parliament to the Reform Bill by preserving the rights of freemen, to recede from that stipulation was not the way to procure the consent of the Lords a second time within three years. He knew that there was nothing in the Reform Act to fetter the legislature; but he contended that it was the duty of the government, if they ultimately intended to alter the right of voting possessed by freemen, to avow that they did not mean to "perpetuate" that privilege, but to propose an alteration in it on introducing a bill for the regulation of municipal corporations. "You did not take this course—you left the House of Lords, the country, and the entire body of freemen, under the impression that this was an acknowledgment and perpetuation of their right, which had received a new sanction and greater force from that Reform Act, of which you boasted as the second charter of our liberties." What were the expressions posted up in every village—"The Reform Bill, the whole bill, and nothing but the bill." How was this announcement adhered to? He had always prophesied at the moment when his friends professed their desire to accept the Reform Bill as our constitutional charter, and not only to accept, but abide by it, that any proposal for its modification was much more likely to come from the authors of the measure than from its opponents; and that the first provision to be modified would be one supposed peculiarly to affect the interests of the party in power. Look at the progress of the Reform Bill and its enactments as they regarded the privileges of the freemen. At first, the only right protected was that of freemen having an existing right to vote in elections of members of parliament at the passing of the bill. The bill, as amended, provided that the children of freemen living at that period, and apprentices who were then bound, should acquire and maintain the right of voting during their lives. See how the bill went on, without any hostile attack on the original clause, improving in this respect, as if by the growing good-will of the government towards the freemen, first admitting existing rights, and then including in its provisions inchoate rights. This was not all; the bill was further altered in committee, the noble lord exhibiting that degree of deference to the fair sex in the alteration which he feared both the noble lord and himself might be charged with neglecting in consequence of their vote of to-night. In the third edition of the Reform Bill of 1831, the noble lord gave the franchise to persons who might marry the widows or daughters of freemen. The bill, thus amended, was sent up to the Lords, by whom it was rejected on the second reading. A new Reform Bill was introduced by the noble lord on the 12th of December, 1831, the first having been rejected in the House of Peers, as he before said, on the second reading, on the general principle, and not with any special reference to its mode of

dealing with the rights of freemen. A clause was voluntarily introduced in the new bill, on which the noble lord congratulated himself exceedingly. By this clause the rights of freemen were preserved in perpetuity, subject to one or two exceptions, such as that no honorary freeman should have the right of voting, &c. The words of the clause were as follow:—"That every person who would have been entitled to vote in the election of a member or members to serve in any future parliament for any city or borough not included in the schedule marked (A) to this act annexed, either as a burgess or freeman, or in the city of London as a freeman and liveryman, if this act had not been passed, shall be entitled to vote in such election, provided such person shall be duly registered according to the provisions hereinafter contained. Provided always, that no person who shall have been elected, made, or admitted a burgess or freeman since the 1st day of March, 1831, otherwise than in respect of birth or servitude, or who shall hereafter be elected, made, or admitted a burgess or freeman, otherwise than in respect of birth or servitude, shall be entitled to vote as such in any such election for any city or borough as aforesaid, or to be so registered as aforesaid; provided also, that no person shall be so entitled as a burgess or freeman in respect of birth, unless his right be originally derived from or through some person who was a burgess or freeman, or entitled to be admitted a burgess or freeman, previously to the 1st day of March, in the year 1831, or from or through some person who since that time shall have become, or shall hereafter become a burgess or freeman in respect of servitude." Did not the whole of this proceeding—the gradual admission and extension of the privileges of freemen—nay, the very exceptions and exclusions adopted, give an appearance of finality and permanence to the measure? If the arrangement had been merely temporary, why did the noble lord except honorary freemen, or those who might acquire a right of freedom subsequently to March 1st, 1831? Did not those exceptions show that the noble lord intended the bill to be a final measure, and that, by connecting the right of voting with residence and registration, he had taken security against bribery and corruption among non-resident freemen, who were thought most liable to suspicion, and who, having no local interest in boroughs where they did not live, made elections a sort of holyday, or prolonged saturnalia—a practice leading to indefinite expense, which it was thought right to limit? Did not the fact of these exceptions and securities, he asked, prove that the arrangement finally proposed by the noble lord was not meant as a temporary or provisional arrangement? These rights being so confirmed to the freeman by the Reform Act, it did tend to destroy all confidence in that "final settlement" when the House found the noble lord proceeding, not by a direct and open attack, but by sap and mine, to assail and take away privileges which had existed by long prescription, and which were confirmed by the recent enactment of 1831. It shook his confidence in the permanency of our second charter, when within three years he saw so important a branch as this lopped off under the pretence of Municipal Reform. The noble lord talked of hearing eloquent declamations and great pretensions of false sympathy for the rights of the poor on the Opposition side of the House. For his part he pretended to no false sympathy for the poor, and did not mean to offer any declamation in favour of extending the franchise to the humbler classes; for if it were proposed to enlarge the right of voting for members of parliament, by taking in the municipal voters created under this bill, he would oppose it. But let the noble lord recollect that the House was not now inquiring, on theoretical and speculative principles, as to what might constitute a good right of voting, but it was dealing with a franchise which it found existing by long prescription, and solemnly confirmed by the noble lord's final measure and conclusive settlement of the Reform Act. If, therefore, he now attempted to continue that right, it did not arise from any desire to indulge in vain declamations about the privileges of the poor, but from a wish to maintain that good faith which he thought pledged to the "perpetuation" of the franchise. If the House proceeded against the freemen on the ground of bribery and corruption, in justice to those men it ought first to establish the existence of corruption before attempting to punish them. It was not fair, on a general and vague presumption of bad repute, to destroy their rights. He admitted cases had been proved of freemen abusing their franchise and taking bribes, but if the argument built on that ground were good for destroying the rights of freemen, it was also good for destroying elective rights much more extensively.

The case of Stafford had been referred to, and if in that or any other instance it was proved that the practice of bribery was inveterate, and the voters irreclaimable, he would be willing to punish them. But were no other parties liable to the charge of corruption except the freemen? Was it not notorious that the £10 householders of the borough of Stafford were subject to the imputation of bribery? He could add another case, in which proof of bribery was clearly brought home to the electors. He referred to the election at Liverpool in 1830. It might be said that in this case it was the freemen of Liverpool who were bribed. They were—but was the bribery confined to freemen who were not also £10 householders? and who bribed them? Here was the evidence of Mr. W. Miers, a merchant of Liverpool, who acted as president on Mr. Ewart's side, assisted by Mr. Thornely and Mr. Harvey. That gentleman stated, that he paid away large sums in bank-notes to voters—of what class?—poor freemen? no; but persons in respectable situations in life. The witness gave the names and occupations of some of those parties. £50 was the highest price paid for a vote—it was given to a retired brewer. A captain of militia received £30 or £35, witness was not sure which, but he recollected giving this voter a certain sum, and that, discontented with the amount, the captain returned and obliged him to give £10 more. Three brothers, named Howard, “very respectable men,” got £10 a-piece. A ship-carpenter, with whom the witness frequently had dealings, and who was also “a respectable man,” got £12, but he came early in the day. He was worth £8,000 or £10,000—“a very respectable gentleman.” When asked whether the higher or lower class of voters received most in bribes, the witness replied that he thought the middling class got the most, because they kept off. Witness could not specify the total expense of the contest of 1830; he did not know what other individuals might have paid, he could only say what he had disbursed himself, and he thought that about £34,000 had passed through his hands. Now, he (Sir R. Peel) dared to say, that in the distribution of this £34,000, the lower class of voters did participate; but it was equally clear that the higher class, £10 householders and persons occupying premises of considerably greater value, did also share in the bribery, and their crime was infinitely greater. Such cases as those of the man of substance who accepted £12, and the captain who came back for an additional £10, were of a much more aggravated nature than any corruption among the humbler voters. He had a right to say, without any attempt at eloquent declamation, that poverty was not in itself a conclusive proof of a disposition to be bribed, and therefore that you ought not to act on a general assumption of the guilt of the humbler class of voters, but should have proofs of corruption before you inflicted upon them such a penalty as the present. One word as to the general principle: he said at once and explicitly, that he was averse to extending the elective franchise, on the ground stated on the other side of the House, because to introduce constant changes in the franchise and mode of electing members of parliament, was to unsettle the minds of the people for no good end. On that ground Lord Althorp refused to vote for the ballot when the question was brought forward by the hon. member for London. The noble lord said he had been a party to what he considered a great constitutional settlement, which had not as yet been sufficiently tried; and that on that ground, although his opinion was in favour of the ballot, and had been so expressed, he felt bound to reject the proposition, because the Reform Bill had not received a fair trial. If that was a good argument against the introduction of the ballot, how much more strongly could it be urged against any alteration in the elective franchise. Now a word as to the general policy of the measure. He would not consent to make the electoral franchise co-extensive with the burgess franchise; but finding the electoral franchise of freemen in existence, he would maintain it, because, for one reason, he thought it an advantage not to have one uniform dead level of franchise prevailing throughout the country. He would not extend the electoral franchise of freemen beyond its present limits; indeed, he would willingly admit that he did not think the franchise good in itself, or that, arguing *à priori*, he would propose to establish it for the first time; but finding it established and confirmed under the Reform Act, he would not consent to abolish it. Nor did he hesitate to avow, notwithstanding the taunts which the noble lord had thought it becoming to indulge in, that he was not sorry to see some modified connection between the working classes and the constitution of the House



of Commons. He was not sorry to see those who did not happen to be householders possess to a certain extent a voice in the choice of representatives. He was not indisposed to think that the right of voting acquired by persons who served an apprenticeship of seven years, was equally entitled to protection with that which a man acquired by living three years, in a town and paying the borough rates. As if, however, to aggravate the disappointment and mortification of the freemen, the old franchise was destroyed by the same act which created the new one. The noble lord was not content with the £10 franchise in this new act. He assumed that that qualification was not necessary for the exercise of the municipal franchise. Under the provisions of the bill a person who had no connection with the borough, whose rates might be paid by his landlord, who might live in a different part of the country, was assumed to have such an interest in the municipal government of the town as entitled him to vote for members of the council, whilst it was held that a person who had acquired his freedom by servitude could have no such interest. It appeared to him that a servitude for a period of seven years was as good a test of character as a residence of three years in a town; and as the capital of a man in that condition of life consisted not in money, but in acquired skill, it supplied also, he thought, as good a test of solvency as the payment of rates for three years. He disregarded the anomaly of having the parliamentary franchise different from the corporate franchise; but at all events, the noble lord was not entitled to urge that as a reason for passing the present clause, because he himself had created it. On the grounds which he had stated, wishing to preserve the existing modified connection between the working classes and that House, being at the same time prepared to punish the freemen if a case of guilt could be established against them; but above all, because parliament and the country had been taught to believe that the Reform Bill was a final settlement of a great constitutional question, he could not consent to make the important alteration which the noble lord proposed, and therefore he would give his vote against the mutilation of the Reform Act.

The committee divided on the original clause: Ayes, 262; Noes, 234; majority, 28.

## CHURCH OF IRELAND.

JULY 21, 1835.

Viscount Morpeth moved the Order of the Day for the House to resolve itself into a Committee on the Tithes and Church (Ireland) Bill.

SIR ROBERT PEEL addressed the House as follows:—Sir, I rise for the purpose of moving the instructions, of which I have given notice, to the committee upon the bill relating to the Church of Ireland—instructions to the effect that the bill be divided into two parts, in order that the House may have an opportunity of giving a separate consideration to that part of the bill which provides for the recovery of tithes, and for the realization of property justly belonging to the church, and that part which establishes a new distribution of church property, and its application to other than ecclesiastical purposes. I rise oppressed with a deep anxiety, partly arising from the vast importance of the subject on which I am about to address you, and partly from an apprehension that I may not be able to do justice to my own conviction, to my own deep impression, that, if reason and justice shall prevail, the House will never consent to the appropriation of church property that is now contemplated. Believing that my conviction is grounded, not on feeling or prejudice, but upon the force of demonstration which it is impossible to resist—I am oppressed with the natural anxiety which accompanies the fear, lest, through some defect of statement, some omission or obscurity in the argument, that assent of the mind which ought to follow clear and conclusive reasoning, may be withheld, and lest the advocate, through the unskillful use of the instruments at his command, may fail in bringing home to others that conviction which presses upon his own mind with irresistible force.

I well know that there exist great impediments to my success—that there are great and numerous obstacles in the way of that for which I have to contend. In

the first place, I have to contend against that prejudice which it is difficult to overcome—that prejudice which arises from repeated exaggerations as to the amount of the church property—exaggerations which have been made with such confidence—which have been reiterated so often, and from so early a period—that it is now difficult to remove the impression they have made on the public mind.

In addition to that obstacle with which I have to contend from the effect of repeated exaggeration, is another and an equally powerful one. We have adopted a resolution, based on the erroneous estimate, and proposed and carried expressly with a view to a party triumph. The victory has been gained—the government has been overthrown—the irrevocable pledge has been given. What hope is there now that the Irish Church will have a fair hearing, and that there will be candour and justice enough virtually to rescind the resolution, which decided that the property ought to be alienated, and applied to other purposes? What hope is there, that the tardy correction of notorious error, the establishment of unsuspected truth, on evidence which cannot be shaken, will prevail against those barriers which will be raised by the force of habit, by the effect of long-continued assent to exaggeration and misstatement—and, above all, by the false pride and false shame, which will forbid the revocation of the hasty pledge which has been publicly given by a powerful and victorious party?

I will, in the first place, state the principles upon which I shall conduct my argument. I waive the discussion for the present of some of the most important grounds on which the inalienability of church property has been on former occasions maintained. I do not abandon them. I admit their full force; but I select another ground, because, if I can establish it, I ought to compel the acquiescence and assent of those who are most opposed to me. I do not, therefore, bring forward the general principle of the sacredness of property, or the special confirmation of that property in the case of the Church in Ireland by the Act of Union. I waive any reference to the bill for the relief of the Roman Catholic disabilities and the declarations it imposed—I take your own tests—I combat with your own instrument—I rely on your own evidence—I stand within the circle which you have drawn around me—and, without transgressing its narrow limits, I will attempt to prove to you, that, on your own admissions and your own principles, you have no surplus of church property to dispose of, and that the pretence of this bill, that there is such a surplus, is a dishonest one.

In approaching this question, it is my desire to take nothing for granted, but to establish every conclusion which I shall draw from premises which cannot be questioned. And first, as to the fact and the extent of exaggeration. I have met it in every form and in every degree—in pamphlets, in conversation, and in speeches—varying from errors of small amount to an error of millions. I have read a letter of a late Roman Catholic prelate—one of high reputation in his own country, and who was supposed to possess peculiar information on the subject on which he wrote. I allude to the late Dr. Doyle. That right rev. prelate, in a letter addressed to Lord Farnham, made this statement as to the revenues of the Established Church in Ireland, and also as to the numbers of those Protestants in communion with that church, for whose religious instruction those revenues were destined: “Can your lordship, laying your hand on your breast, appeal to your conscience or honour, and then say that the Irish Church Establishment requires no reform? It is impossible that you could, my lord, because it is monstrous to think that an annual income, amounting to several millions sterling, should be appropriated, in such a country as Ireland, to the maintenance of the pastors of less than one-thirtieth part of the population.”

Here, then, was an Irishman, a Roman Catholic prelate, estimating in a work, by the publication of which he challenged contradiction which he never received—estimating the church revenues of Ireland at several millions, and the Protestants, for whose religious instruction these millions were expended, at about 260,000. Can one be surprised, then, that the writer of that statement should have characterised the Church of Ireland in these words?—“A man of reflection, living in Ireland, and coolly observing the workings of the Church Establishment, would seek for some likeness to it only among the priests of Juggernaut, who sacrifice the poor naked human victims to their impure and detestable idols.” Into the same errors,

members of the legislature (themselves also members of the church) have fallen. I find that the hon. member for Middlesex, in introducing, on the 6th of May, 1824, a measure relating to the Established Church in Ireland, made statements respecting that church, the numbers in communion with it, and the amount of its revenues, which showed his total want of accurate information on the subject. I say this, not as imputing blame to the hon. member for wilful misstatement, for no doubt the hon. member thought he was stating what was correct—but I now mention it, because I am attempting to show, and if possible to remove, the obstacles which exist to a fair, dispassionate, and unprejudiced consideration of this question, from the very grossly exaggerated accounts which have already gone forth to the public respecting it. On the occasion to which I allude, the hon. member for Middlesex estimated the number of Protestants belonging to the Established Church in Ireland at 500,000. He said, that he had taken great pains to ascertain the revenues of the Irish Church, and these he estimated at £3,200,000. His statement was, that, “according to the best calculation which he had been able to make, there were church lands, which, if rented out as other lands were, would let for £2,500,000. There were 14,000,000 of acres in Ireland, of which the clergy held two elevenths, and, taking Wakefield’s proportions, and the average value of property in the different counties, it amounted to that sum.” “Adding to the £2,500,000 the average sum produced by 1,289 benefices at £500 a-year each, the appointments would make a sum of £3,200,000.” The hon. member added—“The comparison in Ireland was now, one Protestant to fourteen Catholics. It might be one Protestant to forty, fifty, or sixty Catholics; and while this diminution clearly showed the worthlessness and inutility of the Church Establishment, would any man be so hardy as to insist that that establishment ought to be preserved at the expense of nearly £3,000,000 sterling?” In later times, however, in discussions on the Irish Church, the extent of exaggeration has been somewhat diminished. When the hon. member for St. Alban’s brought forward his motion in the course of last year, he materially reduced the extravagant estimates of Dr. Doyle, and of the member for Middlesex, but still he greatly overrated the revenues of the church in Ireland, and underrated the number of those who professed its doctrines. In his motion on the property of the Irish Church, on the 27th of May, 1834, the hon. member for St. Alban’s (Mr. Ward) said—“If, in lieu of adopting the averages which returns sent me would authorize me in taking, I assume Wakefield’s average of one to fourteen, I cannot fairly be accused of any design to diminish the number of the Episcopalian Protestants below their real amount. This would give 600,000 in all as the number of those for whose exclusive benefit the present establishment is kept up. And what is the cost of that establishment? The glebe lands, together with the bishops’ lands, the ecclesiastical corporations, and the returns of tithes, will make a total of £937,456 as the yearly revenue actually received by the Irish Church.” The motion of the hon. member for St. Alban’s on that occasion was seconded by the hon. member for London (Mr. Grote), who said—“My hon. friend stated that the expense of the Protestant Church Establishment in Ireland is £900,000 annually; the number of Protestants of the Church of England (in Ireland) is not more than 600,000: the charge of the whole establishment, therefore, is not less than £1, 10s. per head.” Thus, then, in the course of the last year, it had been assumed that the revenues of the Church in Ireland were £937,000, and that the number of Protestants did not exceed 600,000.

When a noble lord (Althorp), at that time Chancellor of the Exchequer, brought the subject forward in 1833, he fairly admitted the great extent to which exaggeration had been carried on the subject. In his speech on that occasion, the noble lord said, “I can say, conscientiously, that greater exaggeration has prevailed upon this subject than has prevailed upon any other political topic that I recollect. Before I look more narrowly into the question myself, I had greatly exaggerated to my own mind the amount of the revenues of the Irish Church Establishment.” “One great and very prevalent exaggeration relates to the revenues of the bishops. I shall surprise the House when I mention, that the net amount of all their revenues is only £130,000 a-year.” “I think, therefore, that I shall be justified in stating, that all the revenues of the Church of Ireland applicable to the support of the ministers of that church, do not exceed £800,000. I have gone into this detail,” said Lord

Althorp, "and have pressed it upon the attention of the House, in consequence of the exaggerations which prevail upon the subject, and which render it impossible for gentlemen to come to a just consideration of this question without knowing the facts upon which it rests." I give you the same caution that Lord Althorp did. I ask you to ascertain the facts before you form your conclusions; and it is the more necessary that I should repeat the caution, for Lord Althorp's own estimates were erroneous, like those of his predecessors. I despair of removing the effect which has been made by these repeated misstatements. I may correct the error, but I cannot efface the impression which it has made. There may be a reluctant assent to the correctness of my remarks, a tardy admission of past mistakes; but the prejudices against the church will remain. The misrepresentation has had its effect. It has been repeated within these walls so often, that it is regarded as incontrovertible. It was brought back in petitions from the country; and we have mistaken the echo of our own delusions for new and confirmatory evidence of their truth. If, however, I shall make it appear that this church, which is said to possess several millions, does not own property to the amount of one-tenth of that which she is said to hold; if I can make it clear and indisputable, that, instead of only 260,000 persons belonging to her communion in Ireland, according to the statement of Dr. Doyle, the number of Protestants connected with the Church of Ireland is 860,000; if this should be shown from the latest and most authentic accounts, I would ask hon. members to renounce their own admitted error and to acknowledge the truth.

Superadded to the difficulty which I have mentioned from the prejudices arising from oft-repeated exaggerated statements, there is another and not less powerful one, in the resolution decidedly hostile to the Established Church of Ireland, adopted by this House for party purposes, and under the influence of party feelings and prejudices. I will not argue the question with reference to any feelings of this kind. I will not argue it on any other ground than that of the force of evidence and reason; and let me add, that if the House resigns itself to the influences of a powerful party, united against the Irish Church for purposes to which false delicacy or false shame may make them disposed to adhere, I admit that I have no chance for the success of my motion; but if the House will struggle against the impression produced by erroneous statements—if I have to deal only with men of ingenious minds, on whom I can hope to impress the conviction which so strongly weighs on my own mind, I have no doubt that I shall be able to carry my motion by a large majority.

The bill states in its preamble, that "whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus income of such parishes shall be applied to the moral and religious education of the people, without distinction of religious persuasion." Here then is first a fact assumed, and next a principle asserted. It is assumed that there is a surplus revenue, after adequate provision made for the spiritual wants of the members of the Established Church; and next, the principle is asserted, that that surplus should be applied for purposes other than ecclesiastical.

Now, before we can satisfactorily decide what are the spiritual wants of the Established Church, and what therefore can constitute a surplus, it is necessary to bear in mind the principle and provisions of an act which was passed so lately as the year 1833, which was brought in by the government of Lord Grey, and was intended to effect important and substantial reforms in the Irish Church. It was generally known by the name of the Church Temporalities' Act. By this act, ten out of the twenty-two bishoprics of Ireland were suppressed, provision was made for the extinction of sinecure dignities, and for the suppression of benefices in places wherein divine worship had not been performed for the period of three years preceding. A large proportion of the revenue thus obtained was applied as a substitute for the church-cess in Ireland; that is to say, the church took upon itself a charge for repairing and building churches, which had up to that period been borne by the proprietor and occupier of land. Lord Grey gave a summary of the bill to the following effect. He estimated the amount of the church-cess at £60,000 a year. Another object of the fund which would be created by the bill was the augmentation of small livings. The House of Commons had, by a separate resolution, declared, that those clergymen whose parishes produced to them a maintenance of less than

£200 a-year, should have their incomes raised to that amount out of the church funds, that being the lowest which it was considered a clergyman ought to have who had the charge of a parish. He believed that the resolution passed unanimously. It was true, the hon. member for Middlesex growled a faint opposition to it; but he did not divide on the subject. The hon. member had, however, afterwards candidly and manfully admitted in debate, that he thought £300 a-year was not too much for the incumbent of a parish, actively engaged in the performance of parochial duties. The noble lord (Grey) estimated, the sum required for the augmentation of small livings would be about £46,500 a-year. The sum required for the building new churches was estimated at £20,000, and that for the purchase and improvement of glebes at £10,000, making the total charge on the Church Temporalities' Fund to be £136,500. Now, to meet this charge, the noble lord estimated that there would be £40,000 a-year as the interest of a capital of £1,000,000, which he expected would be realised by the sale of bishops' lands. The produce of the suppressed bishoprics was estimated at £50,780. The tax on the remaining bishoprics was calculated to produce £4,600. The tax on the incumbents of the several livings in Ireland, and the funds to be derived from suppressed sinecures, were taken at £42,000 per annum; the repayments on account of glebe-houses for fifteen years were estimated at about £8,000. The total charge on the fund was taken, as I have before observed, at £136,500, and its ultimate annual produce was calculated by lord Grey at about £155,000. Recollect that this was the fund, the only fund, out of which certain great objects, then declared to be of the utmost importance to the efficiency and stability of the church, were to be provided for. From this fund, and from this alone, churches were to be repaired, small livings to be increased, glebe-houses to be built. On the faith of assurances, we were called upon to relinquish the vestry-cess, and to consent to the suppression of ten bishoprics.

Now, what is the present condition of the funds under this Church Temporalities' Act, and how are they affected by this bill? It will be found, that instead of the sum of £155,000, the actual amount of revenue received by the commissioners under the Church Temporalities' Bill will not exceed £29,127. Now it will appear from the papers to which I have referred, that the sum required for repairs of churches throughout Ireland amounts annually to £25,000. Other expenses connected with the performance of divine service, formerly defrayed by the vestry-cess, amount to £34,412. In consequence of the vestry-cess not having been paid, many churches have gone so much out of repair, as to require a greater sum to put them in repair than they would have done had the repairs been made as soon as required. The expenses of the commissioners, including salaries to commissioners, clerks, agents, architects, and stationery, are £10,000. So that here is an annual expenditure of £69,412, to be charged on a present annual income of £29,127. It is true the commissioners have done that which is frequent with Irish commissioners—they have realized a debt. A loan of £100,000 has been advanced by the treasury to the commissioners, of which sum £46,000 has been received, and of that sum £45,688 has been applied to pay the vestry-cess of 1833, and the arrears of the cess of 1832 and 1831; and this, be it remembered, without making any provision for the building of churches, without making any provision for the augmentation of small livings, without making any provision for another important object of the Church Temporalities' Fund—the purchase and improvement of glebes. A calculation has been made as to the period when the fund will be productive, so as to be equal to the permanent expenditure of the commissioners, and the answer to the inquiry on this point is, "If the permanent income of £83,440, as set forth by the ecclesiastical commissioners, is to be the only income certainly forthcoming, the annual funds of the ecclesiastical commissioners will never equal their contemplated expenditure, but, on the contrary, fall short of the same by an immediate and perpetual annuity of £3,446, or an immediate capital of £86,173. Assuming that the doubtful income of £22,000 from the tax on incumbents should be paid, the period when the funds would meet the early expenditure would be less than eighteen years, that is to say, in February, 1853. The period when the fund would reach its *maximum* would be in thirty-seven years and a-half, or the 1st of August, 1873. The debt on the fund likely to be realized by the accumulation of the yearly deficit until the income may be equal to the expenditure, is £412,382. The time required to pay off such debt after it shall have attained its

*maximum*, will be twenty years from February, 1853, being from and after the 1st of August next thirty-seven years and a-half." But this answer proceeded on the supposition that the £100,000, advanced by the treasury to the commissioners on the Perpetual fund, would be paid off on the 1st of August next from the first proceeds of the Perpetuity fund. I have not heard that any such payment is likely to be made on the 1st of August, and I see, from the despairing nod given by the right hon. the Chancellor of the Exchequer, that he has no expectation that such will be the case; and yet with this knowledge, that it would take thirty-seven years and a-half before the fund would be productive, the noble lord saddles it with five per cent. immediate payment on the present amount of tithes to each clergyman who shall sustain a loss by the operation of the present bill.

The statements which I have just read will expose the miserable expedients of the bill. The clergy appear to have a lien on a fund which might be, if every thing went on prosperously, in a condition to pay in about forty years. But the fund itself is at an end. The revenue to be realized under the former bill is annihilated by this. The income from suppressed dignities is applied to another purpose. The tax on incomes above £300, will become almost unproductive; for incomes are, at the discretion of the lord-lieutenant, to be reduced to £300. The plain truth is, that the fund under the Church Temporalities' Bill will not meet the charges which heretofore fell on the vestry-cess, and that the promised provision for building churches and glebe-houses, and for increasing small livings, is at an end. So much for the bearing of the present measure on that which was described as a comprehensive scheme of church reform in Ireland, which was hailed with shouts of applause only two years since, as effectually correcting the abuses, and at the same time supplying the acknowledged deficiency, of the church!

I will now consider the operation and effect of this bill upon the general revenues of the church, and prove the extent to which they will be produced by it. Never was that mathematical process, the process of exhaustion, applied with greater ingenuity, or with greater success. There are three separate modes, all working simultaneously, by which the church revenue will be affected by this bill. First, there is to be at once a deduction of thirty per cent. from the present amount of tithe composition. Secondly, there is to be a power to re-open the compositions entered into and fixed in amount, either by arbitration or by voluntary consent of parties. This power is to be exercised, not by the lord-lieutenant in council, but at the discretion of three gentlemen sitting at Whitehall, the commissioners of land revenue, under whom the lord-lieutenant is to act as a mere subordinate and ministerial agent. It is true there may be some few special cases in which the composition ought to be re-opened—there may be some instances (I think they will be very rare instances) of fraud, or collusion, or gross error—if there be any such cases, a special remedy, with proper guards and securities against the abuse of it, might be provided. By this bill, however, the decision is placed in the hands of three commissioners of woods and forests, and on that decision every composition may be re-opened. What will be the consequent position of the clergy of Ireland? Each incumbent may be called on to defend, not only his own temporary interest, but the permanent interest of the church, in the amount of tithe composition. The present incumbent very probably has not been a party to the composition. There may have been two or three intervening incumbencies, the evidence may have been destroyed, the persons able to give parole evidence may be dead, the composition may have been effected, in the first instance, without minute valuation, through amicable compromise between the parties. And yet the unfortunate clergyman is by this bill to be called on to defend the composition, upon the ground of his own existing interest during his life in the receipt of tithes; that is to say, the clergyman who has been unable during late years to collect any tithe at all, is to defend compositions for tithe entered into fourteen or fifteen years ago, and in respect to which compositions he is possessed of no evidence. What, let me remind the House, is the tribunal before whom these compositions are to be reopened? Three barristers, three at the very least, are to preside over the investigation. The composition may be reopened separately in each parish of a union. In each, the charge of defending it on the part of the church may be thrown on the incumbent. The barristers are to determine what portion of the expense incurred by their inquiries is to fall on

him; and thus the clergyman, who has received nothing for the last three or four years, whose family may be actually starving, is to be visited with the triple curse of a visit from three barristers, at five guineas a-day each, besides their expenses, for the purpose of opening a composition under which he has recovered nothing! Now, I will take the case of a clergyman who, with a nominal income of £150 or £200 per annum, has not realized one shilling of his tithe for the last three or four years, and ask the House to conceive for one moment his feelings, when he sees a barouche and four, containing three barristers at five guineas a-day each, drive up to his door for the purpose of reopening a composition into which his predecessor had entered, and from which he has realized nothing. Let the House imagine the feelings of that man who, unable to realize one farthing of the stipend to which he is entitled, under a composition to which he was no party, is thus to bear the burden of an inquiry respecting which he possesses no information and no evidence. To what extent the reopening of the compositions may proceed, it is impossible for me to calculate. It is equally impossible for me to calculate how far it will tend to diminish the income and revenues of the Irish Protestant Church; but surely it is most vexatious and unjust thus to encourage parishes to open the compositions to which they have in most cases been voluntary parties—or which have been arranged through the intervention of disinterested arbitrators. In short, the measure is in this respect fraught with greater injustice and individual hardship, than any measure I ever remember to have been submitted to the legislature. This is the second battery which the noble lord opposite (Lord Morpeth) has directed against the revenues of the Irish Church.

The third is the substitution of a new corn average for that which formed the standard of the compositions now existing. It is necessary that I should shortly state to the House the principles of those compositions. They were first provided for in the bill which was brought in by my right hon. friend (Mr. Goulburn), and which passed in 1823. That bill was amended in 1824, and by that measure an option was given to make the composition for tithes to endure for twenty-one years, and, in conformity with the bill of my right hon. friend, most compositions have been effected for the term of twenty-one years. Consequently the composition under those bills, if made from 1824 to 1831 inclusive, for the period of twenty-one years, would extend to the years 1845 or 1852 inclusive, and could not be open to revision in the intermediate time. The bill of my right hon. friend was succeeded by that of the noble lord, the member for North Lancashire, (Lord Stanley) by the provisions of which it was made compulsory, in cases where compositions had not been entered into under the former bill, that they should be made. The bill of the noble lord did not at all disturb the compositions which had been effected for the term of twenty-one years under Mr. Goulburn's bill. If under that bill they had been entered into for that or for shorter periods, the contract, whatever it was, was to endure. Lord Stanley's bill compelled a composition, in every uncompounded parish, making the new and compulsory composition variable every seven years, but assuming, as the standard which was to regulate the first composition, the average price of corn for the seven years preceeding November 1830. The compositions under Lord Stanley's bill were effected in the course of 1833 and 1834, and as they are invariable for seven years, they ought to endure of course until 1840 and 1841. Now, this bill provides in lieu of the standard adopted respectively in Mr. Goulburn's and Lord Stanley's bills, that a new average of prices shall be taken; in short, that a principle shall be applied differing from that which has met with the consent of all parties. And what is the average now proposed?—that of the prices for the last seven years preceeding the date of the present bill. It is notorious both to the House and the country, that corn is now much lower in price than it was at the period when the average of each of the former bills was taken. So far as I have been enabled to ascertain those averages, I believe them to be correct when thus stated:—The average prices for the seven years ending the 1st of November, 1821 (that taken by Mr. Goulburn), was of wheat, £1 15s. 10½d., oats, 13s. 11¾d. For the seven years ending the 1st of November, 1830, that adopted by the noble lord (Stanley), the average prices were, wheat, £1 12s. 0½d., oats, 13s. The present average prices which will be brought into operation are—wheat, £1 10s. 1½d.; oats, 11s. 8¾d. Now, the effect of adopting these averages in lieu of the standard which guided the

preceding measures will be, if my estimate be correct, to diminish the amount of the composition about sixteen per cent. or one-sixth of the whole; and this reduction is to be added to three-tenths to which I have already alluded.

I have thus attempted to explain to the House the triple process by which the Church in Ireland is to be relieved of superfluous wealth:—First, the deduction of thirty per cent., a simple, intelligible, and definite deduction. Secondly, the re-opening of compositions, the precise effect of which it is impossible to calculate. Thirdly, the substitution of a new standard of corn averages, in lieu of those which at present rule the tithe compositions. I will now apply practically the machinery of the bill, and consider its operation, first upon a given amount—say £100 of tithe composition—then upon a living of the nominal value of £600—then upon the general mass of Church revenue derivable from tithe. And first I will take its effect upon £100 of tithe composition. In the first place, there will be the reduction of three-tenths, and thus under the first battery of the noble lord, the £100 tithe composition is reduced to £70 at once. To what extent it will further be reduced by the expenses of three barristers at five guineas per day each, I cannot acquaint the House, but still a farther reduction may be made by reopening the composition. I have, however, reduced the £100 to £70. The forcible substitution of new corn averages will effect a further reduction of at least one-sixth, amounting upon the original £100 tithe composition to £11 10s., so that the £100 is melted down to £58 10s. This is the sum which the commissioners of Woods and Forests are to realize, but they are empowered to charge the clergyman 6d. in the pound for the expenses of the collection, which will be £1 9s., so that in the end the £100 tithe composition is reduced to £57 1s., independently of the expenses consequent upon opening the composition.

I now take the case of a living of the nominal value of £600 per annum. Deducting the three-tenths, the living of the nominal value of £600 will be reduced to £420; and, if my calculation is correct, a further reduction of one-sixth, or £70 must be the consequence of the new corn averages. This will further cut down the nominal living of £600 per annum to £350. From this a further demand of 6d. in the pound for the expenses of collection, amounting to £8 15s. will be made, again reducing the nominal living of £600 per annum to £341 5s. Is this all? Oh, no. The unhappy incumbent, who thus sees his £600 a-year dwindled down to £341 5s. is visited with another deduction from another quarter. He is subjected to a new demand of two and a half per cent. as an income tax, under the Church Temporalities' bill, which finally reduces the nominal living of £600 a-year, to the sum of £332 15s. Now, if the incumbent of such a living should, with a view to a future provision for his family, have insured his life, supposing he pays £40 a-year for that purpose, and £75 for a curate to assist him in the discharge of his duties to the flock intrusted to his pastoral care—supposing too, he has to pay an instalment for the glebe-house—I leave the House to judge of the condition of this man and his family, and of the mockery and cruel insult of taunting him with his superfluous wealth. The only doubt which can arise on this statement is, whether or not I have overrated the extent of the deduction which I have contended is to be made in respect of the new corn averages; but even if I am in error, I think I may fairly set against any miscalculation on that head, the expenses which will result from the proposed re-opening of the composition for tithes.

I have now shown the House, that by the ingenious process embodied in this bill, an ecclesiastical living will be reduced to little more than one-half its nominal amount, and I now proceed to consider the effect which this measure will have upon the revenues generally of the Irish Protestant Church. This consideration is most important, because, before a supposed surplus is applied, it is desirable to ascertain what is the actual revenue of the church. I have taken the pains to ascertain what is the real amount of the gross composition for clerical tithes in Ireland, payable to parochial incumbents. The noble lord opposite, (Lord Morpeth) in his calculation included the lay tithes, or, in other words, the tithes payable to lay impropriators, not with a view of producing error I admit; but I will not encumber the question by adverting on this occasion to lay tithes, which for the present purposes shall be excluded from consideration. I am now dealing only with church property, and the effects upon it which the machinery of this bill may in future produce. Tithes



received by the bishops have also been included by the noble lord, when they ought to have been excluded from this calculation, for the bishops' tithes are provided for in the Church Temporalities' Bill. In the same way I shall omit from consideration the tithes due to deans and chapters, because those tithes are applied to the repairs of the cathedrals, unless they are held with benefices, and in the latter case they become subject to the operation of the present bill. From the best calculation I can make from a revision of the whole of the parishes from which returns have been made, the total amount of tithes payable to parochial clergy, excluding bishops, deans and chapters, and vicars choral, is £507,367. That is the whole amount of tithes payable to the parochial clergy of Ireland, and before it is thought of applying a presumed surplus to other than ecclesiastical purposes, it will be well to consider what will be the effect of the bill upon the revenues of the church. By a reduction of three-tenths, viz., £152,700 from £507,000, the amount will be brought down to £354,667. The expense of collection at the rate of sixpence in the pound, amounting to £8,872, is further to be deducted, which brings down the gross receipt of tithes by the clergy to £345,795. I am unable to estimate the extent of the further reduction which must result from the reopening of the compositions: but taking, as in the former calculations, one-sixth as the consequence of the new corn averages, that sixth, amounting to £57,632, will, by the ingenious process of exhaustion provided in this bill, produce this result—viz., that, instead of the amount of Irish parochial tithe being £507,367, its net amount will be only £288,163.

In this stage of my observations, it will be well for me to pause a moment for the purpose of comparing the amount to which I have thus practically reduced the Irish parochial tithe with the estimate of indefinite millions assumed by Dr. Doyle, or the more moderate calculation of the total of church property made by the hon. member for Middlesex, who, upon the closest approximation, stated the amount to be £3,200,000. Have I not been justified in lamenting the effect of such extraordinary exaggerations, and in earnestly entreating the House to be upon its guard against the force of early and erroneous impressions? To the sum of £288,163, the tithe revenue of the Irish clergy, it is only fair that I should add the amount received by them as ministers' money, and the value of the glebes. The noble lord (Lord John Russell) stated the value of the glebes to be about £65,000; but I believe their value is not overrated at £76,778, which, with £12,838, the amount of ministers' money, will make a total revenue derivable by the Irish clergy from every source, of only £377,779.

The total amount of future revenue being thus ascertained, I will now consider the present condition of the church in Ireland, and the amount requisite for its maintenance. In discussing this subject, the House has now the advantage, which it did not possess when it pledged itself to the resolution of appropriation, of the report which the commissioners have made in immediate reference to this point. I have done all I could to prevail upon the House to postpone that resolution until this report was furnished. The House had, however, pledged itself that there was a surplus before they had received the report showing the actual condition of the Irish church. It appears, from the report presented by the commissioners appointed by the present government, that there are in Ireland 1,385 benefices—of these 264 contain fewer than fifty Protestants. The House will perceive that a material distinction is to be drawn between benefices and parishes. Benefices may consist of one or many parishes, and of these it appears from the report that there are 2,405 in Ireland, though there are only 1,385 benefices. Now, as I have already stated, I wish to argue this question on the narrow grounds which his Majesty's government have themselves afforded me; I wish to discuss this measure on the principles assumed by the king's government itself, admitting, for the sake of argument, those principles to be correct, and that my own views are erroneous. I take this course solely for this reason, that I can afford to make the concession, and, having made it, I can show that the ministers are, on their own principles, and with their own admissions, bound to accede to my motion. Arguing from their own evidence, I can show that there is no surplus to distribute, and, according to their own principles, therefore, they are bound not to sanction any alienation of the revenues of the Irish Church. I will assume that, in the present state of the church in Ireland,

and due regard being had to the special circumstances of that country, the church revenues ought to bear the whole charge of the establishment—not only the maintenance of the ministers, but the expence of building new places of worship, and every other expense connected with the performance of divine worship, according to the doctrines of the church. From the report it appears that there are 1,121 benefices in Ireland, in each of which there are more than fifty Protestants. Divide the amount of tithes amongst them, and the average of tithes appropriated to these benefices will amount to £256 per annum. But these unions of parishes are in many cases a great evil, and they ought to be severed. That principle has been recognised by Lord Plunkett, by Sir John Newport, and by all who have contended most strenuously for the improvement of the church. The unions were made partly on account of the abolition of agistment tithe, partly from want of places of worship, or residences for ministers; and the first claim, in case of a new distribution of church revenue, is on the part of those parishes in which a respectable congregation can be found, and which are now inconveniently and improvidently united to others. Taking then, the parishes instead of benefices, what appears in the report? The number of parishes in Ireland is stated to be 2,405, and of these 860 contain fewer than fifty Protestants. I consider the provisions of this bill, in respect to those 860 parishes in no other light than as a blow fatal to the Irish Church. But here, again, assuming that the noble lord is right, and that I am wrong—assuming that, in a parish where there are fewer than fifty Protestants, you are at liberty to deal with it as this bill doth deal with it—still, deducting 860 from 2,405, there are 1,545 separate parishes in Ireland, in each of which there is a greater number than fifty Protestants. Allotting to each of the parishes a separate minister, adopting the principles of this bill, that where there are fifty Protestants, there the spiritual services of a Protestant resident minister shall not be withdrawn, what is the provision you can make from tithes to each of those incumbents? On the average of this whole, it does not exceed £180 to each. But there are 961 benefices in Ireland with more than 100 Protestant members of the Established Church in each. The noble lord intimates that he was not aware of that. Be it so: but, then, who was it that entered into the resolution, pledging the House to the alienation of church property, even before his own report was presented? That report may convict hon. gentlemen on my side of the House of want of foresight in obstructing the inquiry, in preventing the ascertainment of a fact so important as that to which I have just referred, namely, that there are 961 benefices in Ireland, each with a Protestant population of more than 100 members; but it will convict hon. gentlemen opposite of deliberate error, if they persist in adhering to their resolution after that report has been placed in their possession. There are 961 benefices in Ireland, with more than 100 Protestant members of the Established Church in each. I proclaim that fact. There are 1,165 benefices in Ireland, with a church in each, and with two churches in some. There are 1,383 churches of the establishment existing at present in Ireland. Now, according to the principles of the noble lord, wherever there is a church in any parish in Ireland, there also there is to be a minister; and wherever there is a minister, the noble lord has declared himself ready to allot to that minister an independent stipend. Now, if the noble lord is prepared to allot £220 a-year for the maintenance of each church in Ireland, I will make bold to tell him, that, instead of having a surplus to dispose of, he will find that he will have a deficiency to supply. I will take the benefices of Ireland with the number of Protestants therein, varying of course in amount in each. I will discard from my calculation the parishes whose revenues the noble lord is prepared to confiscate to the amount of 860, but still, for whose spiritual instruction the noble lord intends to make some provision, reducing, therefore, to that extent (I believe nearly £30,000), the total amount of available revenue. For my present purpose I will assume that the principle of the noble lord is correct, and I will attempt to show, that upon that principle he ought not to refuse his acquiescence in my present requisition. There are 670 benefices in Ireland, with Protestants of the Established Church varying in number from fifty to 500. There are 209 benefices in Ireland, with Protestants of the Established Church varying in number from 500 to 1,000. There are 242 benefices in Ireland, containing more than 1,000 Protestants of the Established Church. I have thus divided the benefices in Ireland into three classes, varying with

the extent of the protestant population. Now, I want no clerical sinecures in Ireland, I want no gross inequality, wholly disproportioned to actual duty, between the incomes of parochial clergy. But I do contend for such gradations in the amount of revenue as are justified by variations in the expenses of living, in the demands for charity, in the extent of duty for such gradations, as would hold out an encouragement to exertion on the part of those who are less amply provided for, and enable the Protestant minister to maintain his station in society. In populous places, like the cities of Dublin, Cork, and Belfast, there ought to be livings amply provided with means for the support of the Protestant ministers of the Established Church. If there are not such livings—if the minister of the Protestant Established Church is not enabled to maintain his independence and respectability of station as compared with his equals in life, then the House will, in my opinion, not only be degrading the man, but also inflicting irreparable injury upon the establishment itself.

Now, take the three classes of benefices to which I have referred—assume that you are at liberty to apportion the revenue of the spiritual Church, according to some rule, having reference to the extent of duty and the number of Protestant inhabitants—will any man propose a more moderate allowance than that of £200 a-year to the 670 benefices of the first class, £300 a-year to the 209 benefices of the second class, and £400 a-year to the 242 benefices of the third class? The demand on the revenues of the Irish Church for that extremely low and moderate scale of support would amount to £293,500, whereas the revenue derivable from tithes in Ireland is only £288,000, as I have already clearly proved. I trust that the House will observe that this calculation is made on the number of benefices, not of parishes. Besides this, I have made no provision for curates; and yet in all benefices where there is a Protestant population of more than 1,000 persons belonging to the Established Church, there must probably be one curate. On the other hand, it is true that I have not taken into account the glebe lands, but have considered only the revenue from tithe as available for the maintenance of the parochial clergy. But against the value of the glebe place the deductions to be made from tithe, on account of the charge for religious service in 860 suppressed parishes—on account of the reopening of compositions—on account of the necessary provision for curates—on account of the difference between any estimate of Irish revenues, and the actual net sum realized; and I do not believe that the revenue derivable from glebes will more than supply the deficit, or will, therefore, disturb my calculations. Again, if I take, as I am entitled to take, parishes instead of benefices, the average allotment to each minister must be materially reduced.

I may be asked why I have assumed £200 as the minimum in the scale of allowance to be made to parochial ministers? My answer is, not on any vague assumption of my own, but on the acts and recorded declarations of the authors and supporters of the present bill. The estimate is theirs, not mine. I may think £200 (as I do think it), a very insufficient provision—but I am arguing throughout on the principles of my opponents, and claiming their support of my proposal on those principles. The Church Temporalities' Bill assumes that £200 a-year is the lowest sum which ought to be paid as a stipend to any clergyman who has the care, not of a benefice, but of a parish. I find that opinion confirmed by all the authorities which I have been enabled to consult upon the subject. I find, first of all, that Lord Hatherton, then Mr. Littleton, Secretary for Ireland, entertained this opinion:—"I concur," said he, "in the opinion expressed by my right hon. friend, that £200 per annum is not too large a sum for the support of a clergyman of the Established Church. If the Protestant religion is to be maintained in Ireland at all, its ministers must be placed in the condition of gentlemen. From the representations which have been made to me, I believe that many clergymen of the Established Church in Ireland are, at the present moment, removed but in a short degree from the necessity of begging for their daily subsistence." Dr. Lushington, and there could be no higher authority, also said on the same occasion—"I fully recognise the principle that parliament may deal with any surplus of Church property which may exist after the necessities of the Church have been provided for; but the first and most sacred of our duties is to provide for the support of the ministers of the Church; and I apprehend that no man, who is not prepared to say that the Protestant establishment in Ireland ought to be levelled to the ground, will stand up in this House and say that

£200 per annum is too much for a Protestant minister to receive." I am now going to appeal to the authority of a Roman Catholic gentleman, Mr. Finn, the member for the county of Kilkenny. "It is evident," said he, "that a man to be a curate," and here I will observe, that I am now speaking, as Mr. Finn then was, of curates acting under the control of their rectors, and looking forward to future elevation in the Church as an inducement to perform their spiritual functions for a time for a very moderate compensation; I am speaking of the provision to be made for an independent minister, who ought to be placed, according to the noble lord, in every parish where there is a church, or where there is a population of fifty Protestants—Mr. Finn, I repeat, said—"It is evident that a man to be a curate must be as well educated as the rich diocesan, and, having been myself educated at Trinity College, I can speak to the fact. I have always said, that it was disgraceful that a clergyman should receive a salary of only £75. The Protestant curates, who do the duty of the superior clergy, are infamously paid, while the Roman Catholic curates are much better paid, and more comfortably provided for. It is well known, that, in the counties of Kilkenny and Carlow, the Roman Catholic peasantry have actually given relief to the Protestant curates, many of whom are placed in situations in which they are frequently obliged to do that which they would otherwise shrink from doing, but which they are compelled to do, in consequence of the miserable sums they receive for their services." Can you have more convincing evidence, more conclusive testimony than this, proceeding as it does from a Roman Catholic gentleman residing in Ireland, who tells you, that, because there is not a sufficient maintenance for the clergymen of the Established Church, such is the force of sympathy and generous compassion for their distresses, that the Roman Catholic peasantry themselves contribute to their relief, in order to avoid the scandal of a starving ministry, though professing another creed? With a view, then, of preventing the Protestant clergy of the Established Church of Ireland from being obliged to do what they would otherwise shrink from doing, and with a view of relieving the Roman Catholic peasantry from the necessity of contributing alms to the support of clergy in whose creed they do not believe—I cite the authority of Mr. Finn as conclusive evidence, that the House ought to provide, not a superfluous, but a decent and becoming maintenance for the ministers of the Established Church. The last authority which I shall cite is the most recent—it is the authority of the hon. and learned Attorney-general for Ireland—Mr. Perrin. Speaking of livings, of which the incumbents reside in England, drawing the amount of their tithes from their parishes, in Ireland, and allotting only £75 a-year to their curates, Mr. Perrin said, and in that assertion I fully agree with him, that this evil of non-residence must be redressed. Not one word have I said—not one word will I say—in vindication of that system. I would correct it, not only for the future, but also for the present. I would insist on the right of parliament to require from any clergyman who receives £700 a-year, or indeed any sum, from a parish as its incumbent, no matter what were the conditions on which he received the living, the immediate personal superintendence of the parish, and the immediate personal discharge of his spiritual duties. I do not contest the principle which the hon. and learned Attorney-general for Ireland thus laid down; on the contrary, I admit it most fully and unequivocally. But what said the hon. and learned gentleman?—"I am not one of those who would withdraw any thing from the incomes of the working clergy; on the contrary, I would seek to place those members of that body in a situation more becoming their sacred calling, by giving every actual incumbent not less than £200 or £250 per annum."

Now, have I have not proved, not upon vague reasonings, not upon general assumptions, but as I have said that I would, out of the admissions of the noble lord and his supporters, that the House ought to allot to ministers in benefices where there is a church, or where there is a congregation of more than fifty Protestants of the Established Church, at the very least, £200 or £250 a-year as the minimum of stipend? We hear the Scotch Church constantly spoken of. I have no objection to adopt its principle in this respect, for I find that inequality in the value of benefices prevails in Scotland. Though the Scotch Church is poorer than that of England and Ireland, yet the principle of the inequality of parochial stipends is admitted in it. I apprehend that the ministers of the church of Scotland residing in Edinburgh, Glasgow, and other populous towns, having greater expenses to meet than those min-

isters who reside in villages in more remote parts of the country, receive stipends, in many cases double and treble those allotted to the ministers of rural parishes. I believe that there are livings in the Church of Scotland, which produce to their incumbents not less than £800 or £1,000 a-year. In the case of the living of North Leith, papers have recently been laid on the table of the House, which prove that the average receipts of the minister for the last three years was £670 a-year. I understand, that in Edinburgh there are eighteen clergymen, each with an income varying from £500 to £600 a-year. In Greenock, the minister has above £800 a-year. In the country parishes, be it remembered that glebe-houses are provided for the residence of the ministers of the church of Scotland. In North Leith, the minister, in addition to his £670 a-year, has £60 a year allowed him in lieu of a house. In Scotland, these glebe-houses are kept in repair at the expense of the church. I say that in Ireland you ought to adopt a corresponding principle. I further say, that if you take £200 or £250 a-year as the minimum of stipend to be paid to the ministers of country parishes, with a population of fifty Protestant members of the Established Church, it is clear that you must, when you come to provide for a minister in a large town, like Dublin, Cork, and Belfast, place him in a condition above the privations, I might say the temptations, of poverty, if you expect him to exercise the legitimate influence of his station. You must fix his income on the principle which is adopted in the large towns of Scotland, and provide him with a maintenance becoming the station he has to occupy. If you adopt £200 or £250 a-year as the minimum of stipend, and determine to give a liberal salary to the ministers of the Established Church whom you place in the parishes of populous towns in Ireland, again I say, would the conclusion come upon you with resistless force, that, in carrying your intentions into effect, you would not have a surplus to dispose of, but a deficiency to supply.

I shall postpone the consideration of many points involved in this bill—for I am not discussing its principle, but endeavouring to show that the bill ought to be divided. I think that there is so much doubt respecting the possession of a surplus to appropriate, that the House ought not to assert a principle which, if asserted, would naturally lead the people of Ireland to entertain extravagant expectations which must be disappointed. Can any proposition be more clear than this—that the existence of the surplus should be clearly ascertained before that surplus is appropriated? Can the truth of it be denied, by the most eager advocates for the right of alienation in the event of a surplus? To them my present argument is addressed. I want to convince them that, assuming their principle to be a correct one, there is no pretence for its practical application in this case. How does the noble lord gain his surplus? By sequestrating the revenues of 860 parishes, which the noble lord facetiously calls the feeders of his reserve. I have been hitherto assuming that the noble lord has these 860 parishes to deal with. Their revenues constitute his reserve. But I will now show by what means, and at the expense of what injustice, this miserable reserve is procured. In many parts of the West of Ireland, there are parishes which do not contain fifty Protestant members of the Established Church, but which are united together in one benefice. In many of these united parishes there are more than 100.—ay, than 200 or 300, members of the Established Church. The parish church is frequently in the centre of the Union, within a tolerably convenient distance of each of the parishes, which, by their conjoint contributions, provide a salary for their minister, often not exceeding £200 or £300 a-year. The noble lord finds that in some of the parishes belonging to the Union, taken separately, there are not fifty members of the Established Church; and then proceeds on the principle that he can sequester the revenue of all the parishes composing the Union; because, though there are 200, or perhaps 300 members of the Established Church in the benefice, there are not fifty Protestants of the Established Church in each separate parish composing it. Now, I should rather have expected from the House a reprobation of the practice of forming parishes into Unions. I should rather have expected that our present object would be to sever unions, and to provide each parish with an independent minister. The noble lord, however, declares, that he will sequester the revenues of all these parishes, and render them one and all the feeders of his reserve. Now I will show by one or two instances the injustice of this system of sequestration. There is a union of three parishes, making the benefice of Collon, consisting of the parishes of Collon, Moss-

town, and Dromyn. What, I ask, would be the practical effect of making the reserve fund feed on the Union of Collon? In that union there are 848 Protestants of the Established Church. In the parish of Collon there are 760 Protestants; in the parish of Mosstown, forty-eight; and in that of Dromyn, forty. Now, as this union consists of three parishes, and as two of those three parishes have fewer than fifty members of the Established Church, the noble lord proposes to sequester the proceeds of the two parishes, and leave the minister of Collon to enjoy himself in luxurious ease, on the untouched revenues of Collon, which has 760 members of the Established Church; but though Collon has 760 members of the Established Church, it so happens that Collon produces no income at all. Collon, I repeat, has no income. Mosstown has at present an income from tithe composition to the amount of £248 a-year, and Dromyn to the amount of £204 a-year. The nominal amount of the present tithe composition is £452 a-year. The noble lord's blow of thirty per cent will reduce that amount to £317 a-year, leaving the minister of Collon subject to the tax, imposed by the Church Temporalities' Bill, and with spiritual duties to perform to 848 Protestants resident within this union. Surely this would be deduction enough. "But no," says the noble lord, "I want feeders for my reserve fund. I will therefore take the revenues of the productive parishes, and leave the incumbent of Collon, with heavy duties, but no income." There are at least forty other instances of this kind. I will take another, in the south of Ireland, in the diocese of Ross. The union of Kilgarraffe consists of three parishes—the parish of Kilgarraffe, the parish of Dysart, and the parish of Island. The Church of the Union is in the parish of Kilgarraffe. There are two clergymen resident in the union. The average attendance at the Church is five hundred persons. It appears by the report, that the congregation is increasing. The amount of the income of this union, which contains 1,123 members of the Established Church, is by the tithe composition returns, £510 a-year. When this is reduced by the noble lord's plan by £153, the residue of £357 is the gross amount of the receipts of which two ministers of the Established Church are to be maintained in this union. The various other deductions will reduce it to £300. The noble lord proposes to separate from the union the two parishes of Dysart and Island, because Dysart contains only eight, and Island not more than forty-eight members of the Established Church. Now the income of Dysart is £36 a-year, and that of Island is £260 a-year. The noble lord, therefore, subtracts £295 from the present income, and leaves the residue, subject to various deductions, as a fit maintenance for the Protestant pastor of Kilgarraffe. I will take another instance from a country town—Dundalk. The benefice of Dundalk is the union of the parishes of Dundalk and Castletown. The members of the Established Church residing in that town amount to 1,447. Castletown contains only fourteen members of the Established Church, but it contributes £200 out of the £210 which forms the income of the reverend incumbent of the benefice. There being only fourteen members of the Established Church now resident in Castletown, the noble lord proposes to sequester the income of that parish, and to leave the minister of Dundalk, with a flock of more than 1,430 persons, and the proceeds of one single acre of glebe, which produces just £10 a-year. Such is the manner in which the noble lord realizes a surplus. Such is the manner in which he provides the "feeders" of his reserve fund.

I trust that I have now said enough to show that there are grounds for calling upon the House to pause before it proceeds further—to pause before it gives a pledge, which it must either redeem, to the inevitable injury of the Established Church in Ireland; or which, if unredeemed, would leave the House open to the imputation of having excited hopes of which it had reason to doubt the fulfilment. The bill professes to consult the true interests of the Established Church in Ireland. What are the true interests of that church? They do not consist in the allotment of £5 or £20 in this or that parish for the performance of spiritual duties on a particular exigency. No, in those interests, properly understood, are involved considerations political, moral, and religious, as important as any ever submitted to the superintendence of a Christian legislature. I admit, on the one hand, that the true interests of the Established Church are not promoted by the defence of sinecures, by the retention of pluralities, by the existence of gross inequalities in the revenues of its ministers. I admit that principle most fully, and I am prepared to enter immediately into the consideration of the means by which the Established Church,

without reference to political ends, without regard to personal interests, looking only to the permanent support of the church itself, and the great objects for which it was instituted, can be best maintained. But neither, on the other hand, are the true interests of the Established Church consulted by relying on the extravagant zeal, or the superhuman virtues, of the ministers who discharge its functions. You cannot consult the true interests of the Established Church without allotting to its ministers, in cases where spiritual duties are to be performed, a decent and becoming maintenance. You exact from the minister of the Established Church great moral duties—you exact from him great intellectual acquirements—you exact from him an expensive course of education—you interdict him from all secular pursuits. You require from him the devotion of his whole time to his spiritual calling. You do not, indeed, compel him to resign the relations and the cares of domestic life. You want none of the influence which vows of celibacy confer. You tell him he may marry. You tell him that if he inculcates, by the practical force of example, those great principles which he is bound to enforce by his doctrines, he is not a worse member of society, he is not a less efficient member of the church. You tell him to confirm the claim of his station to the respect of his parishioners, by setting them an example in every relation of domestic life. If you require these qualifications from the minister of the Established Church; if you do not discourage him from forming connections which entail unavoidable expenses; if you tell him that marriage is honourable; if you encourage him to contract it; to call in aid of his spiritual authority the example and influence of his domestic virtues—then, according to every principle of justice, according to every principle of common sense, it is neither right nor decent to subject him to the dependence, the anxieties, the privations, the temptations of poverty. It is not right for his sake—it is not right for yours—it is not right for the sake of the Established Church—it is not right for the sake of the Roman Catholic population, over whom he is to exercise the influence, at least, of character and conduct, to exhibit the minister of the establishment in a degraded and humiliated condition. On the influence to be exercised by ministers of the Established Church over the Roman Catholic population, on the importance of placing those ministers in a state of comfort and independence, I can appeal to high authority. “I will ask,” said this high authority, “whether another important effect will not be produced by this measure?” The measure to which this high authority alluded, was one which proposed to place in every parish of Ireland a minister of the Church of England in the possession of a competent stipend: “I allude,” said he, “to the effect which it will produce on the Catholic population of Ireland, connected, as that population is, with the respectability of the Protestant Church in that country. If any improvement is to be effected in the condition of Ireland, it must be effected through the instrumentality of the church, through the residence of a parochial clergy. I consider the permanent residence of a parochial clergyman on his living to be most beneficial in its results. I speak not from any personal observation of my own, I speak on the authority of those who have long considered this question: and I can assure the House that the utility of having a Protestant minister permanently resident among his flock, even though he may not be the minister of religion to the majority of his parish, will be beyond all calculation. The Protestant clergyman will be to his parish a minister of peace, for he will, by his station and his constant residence, have constant opportunities of conciliating their good will, by sympathising in their cares and distresses, and by doing them a variety of good offices. If we strip the Protestant parochial clergy of all those causes of irritation which exist as to the exaction of tithes; if we relieve the establishment from the odium attached to it in consequence of the collection of vestry cess; if we are enabled to do this, and to place in every parish in Ireland men of independence as parochial priests, we shall establish a firm link of connection between the Protestant clergy and the Catholic population, which will be found most advantageous to the Established Church, and which will lead to the welfare and happiness of the people of Ireland.” Those were the opinions, I trust and believe they continue to be the opinions, of a great landed proprietor in Ireland, who now holds a conspicuous situation in the councils of the Crown. They were the opinions of the Marquess of Lansdowne, who thought that the interests of all classes of his Majesty’s subjects in Ireland, Protestant and Roman Catholic, would

be promoted by spreading over the face of it a body of resident Protestant clergymen, and by securing to each and all of them a respectable stipend. I believe that those opinions are correct and just. I believe that if you consult the true interests of the establishment, which even by this bill, and by its authors, is admitted to have the first claims upon its own revenues, you will, after correcting every abuse, and redressing every grievance, apply its revenues in that mode which is best suited to promote its efficiency.

I regret that I have troubled the House at such length. I have tried to fulfil the promise which I gave the House at the commencement of my address. I have attempted to rely on the force of argument and of evidence. I have not borne in mind that the last time on which this question was discussed, it was selected as the arena on which a great political contest was to be decided. I have not brought to the present discussion any feelings of personal mortification or of disappointed ambition, connected with political defeat. I have not mixed up with it private interests or party motives. I have not attempted to gain strength by appeals to passion or to prejudice. I have not decried the religious creed of those who differ from me on the most important topics for human consideration. I have attempted to rest my case on the paramount and undoubted claim which the Established Church has upon the justice of parliament to protect her, at least, in the continued possession of her own property—so long as that property is not more than sufficient for her own legitimate wants. You may take one of three courses with regard to this question. You may assert the unquestioned right of the Established Church to her remaining property. You may profess your readiness to correct every abuse in that church, and to redress every grievance connected with the levy of tithe. Having done this, if you are satisfied that the revenues of the church are not more than sufficient for the legitimate purposes of an Established Church, of a church which you mean to maintain and defend as the Established Church—you have a perfect right—you, I mean, who contend most strenuously for the power of alienation in case of a surplus—you have a perfect right to resist alienation in the present case with such evidence and such information before you. You have the right to declare, that, having made a great deduction from the revenues of the church by the Temporalities' Bill—having thrown all the onus of supporting the church on the funds of the establishment—having relieved the Roman Catholic population from what they considered the obnoxious and odious payment of church cess—having released the public revenue from every claim for building new churches—having liberated the occupying tenant from direct contribution to funds paid to a clergy from whom he derives no spiritual consolation—having given to the landlords a bonus of three-tenths, or rather of five-tenths, when every deduction shall have been made—after doing all this—after making all these concessions—here you will take your stand and steadily insist on the application of the whole of what is left to the interests, the well-considered interests of the Established Church. This is one course. There is a second, pregnant indeed, with fatal consequences, a most rash, most unwise, most impolitic, but still an intelligible and consistent course. You may pronounce that the Roman Catholic religion ought to be established in Ireland. You may say—"We can struggle no longer against the force of events and of overpowering numbers; we will go the whole length which is demanded from us, and will establish the Roman Catholic religion on the ruins and at the expense of the Protestant Establishment in Ireland." There is a third course—the course recommended by the government—which is intermediate between the two others. It neither maintains manfully the principle of the Protestant Establishment, nor does it recognise openly the claims of the Roman Catholic Church to direct participation in ecclesiastical revenues. It professes, indeed, to maintain the church as at present established; but infuses a slow and certain poison, which will ensure its ultimate destruction. I say to his Majesty's ministers—"If you mean to maintain the Protestant Church in Ireland, openly avow the principle, and consistently act on it—if you feel satisfied that its revenues are not more than sufficient to provide for the decent maintenance of the ministers of the church, announce the fact, and the public mind will be set at rest on the subject. The course you are now taking towards the Church of Ireland is simulated protection, but real hostility. You are destroying the independence, the respecta-



bility, and the usefulness of the Protestant clergy, by making them mere stipendiaries of the government, and by holding them out to the people as intercepting the rights of the poor, and the blessings of education and knowledge, by the selfish retention of funds which are the property, not of the church, but of the community at large. You place them in a most invidious position, in the position most calculated to involve them in personal odium, most calculated to paralyze every exertion on their part to diffuse the just influence of the Protestant religion. You exhibit them not in the light of ministers of an Established Church, receiving an independent maintenance from revenues to which they have an unquestionable right, but in that of usurpers and intruders, every shilling of whose stipend is an encroachment upon the reserved fund.

Against this course, not less fatal in its ultimate results to the permanence and stability of the Established Church than one of more direct and avowed hostility, I enter my decided protest, and I call, not only on those who agree with me in general principles, but on those who demanded information as to the condition of the church, who required evidence as to the extent of its spiritual wants, the amount of its revenues, and the number of its members, to judge from that information, and to decide on that evidence. If they will do so, if they will efface erroneous impressions founded on misstatement and exaggeration—if they will refuse to be bound by resolutions, entered into in the absence of that information and that evidence of which they are now possessed, I have not a doubt that, in pursuance of their own principles, in conformity with their own recorded declarations and admissions, they must accede to the justice of the motion with which I shall now conclude. The right hon. baronet concluded by moving, “That it be an instruction to the committee to divide the bill into two bills.”

After a long discussion the debate was adjourned, the amendment being ultimately negatived by a majority of 37. The House went into committee *pro forma*, and resumed. Committee to sit again.

AUGUST 3, 1835.

The House went into Committee on the Tithes Committee (Ireland) Bill, and several clauses were agreed to.—On clause 50 being read, which provided for the remission of the million advanced to the Irish Clergy,—

SIR ROBERT PEEL was glad to have the means of refreshing the memory of the hon. gentleman opposite (Mr. Hume), by referring the hon. gentleman to a speech made in a former parliament, when there was a prospect of repayment of the sum proposed to be granted. The hon. member now said, “Enforce the law,” and blamed him as having set a bad example on that former occasion. [Mr Hume: You were the first to propose such a grant.] On what grounds did the hon. gentleman then refuse to acquiesce in the grant? Why because he thought that it was impossible it could be repaid, and yet the hon. member charged him with having set a bad example in remitting what could not be levied; whilst the hon. gentleman said, that it was clear that the money was lost to England, and that any attempt to recover it would only tend to bolster up the church in a contest against the people. At any rate he trusted the House would not follow the government in their mad career. That speech established the hon. member's fame as a prophet—his abilities as a logician were known and appreciated; but here the circumstances had vindicated what he foretold, when he refused to be a party to the grant of the million; and strange to say, the right hon. and learned member for the University of Dublin, and the hon. and learned member for Dublin, concurred with him in his prophecy; and why should the hon. gentleman then charge him with the blame of the fulfilling of his predictions? The hon. member asked also in his speech, whether it was just that the House should be driven into such a course by the imbecile folly of a government, who proposed first one thing and then another, whilst it was clear the landlords would not repay their part. They had not paid it at this time, and yet the hon. gentleman turned round on him, and accused him of having set a bad example. Why, he agreed that in regard to the clergy the money should be advanced, but he must confess that he was not at all sanguine of its repayment either by the landlord or the tenant, for he considered that, with respect to the question of Tithes in Ireland, it was impossible for any government to attempt to settle it, without including in the plan many

details, open to objection when viewed abstractedly; and therefore, after he had had the experience of the measures proposed and adopted by previous governments, when he was at the head of the administration, he felt that it was impossible to recover any arrears of tithes that were due, at the point of the bayonet, and he therefore virtually proposed a remission of them. But his hon. friend had asked, Were defaulters and those who had submitted to the law, to be placed on the same footing?—and he had also said, that when the bill was brought in, a distinction between those classes of persons should have been established. If the man who had submitted to the law could be placed in a position contradistinguished from that of the man who had broken the law, he should be most anxious to follow such a plan; for the principle was just. But its practicability must be proved before the distinction could be drawn; and even if its practicability were made out, he should be inclined to doubt the policy of acting upon it, if the result should be, as he doubted not it would be, an expenditure of double the amount recovered in the attempt to recover it. On the other hand, there remained another great difficulty in the way—the making the landlord liable to the whole amount, and thus compelling him to pay, not only what it is but just possible he might recover from the occupier who was in possession when the grant was made—but also what he could not justly recover from those whose occupancy was subsequent to that period. Between those classes there should necessarily be a distinction drawn, and that he was afraid would be a very operose proceeding; but he admitted entirely the justice of the principle, and if any one would provide a machinery by which it could be carried into effect, he should be most willing to adopt it; but, as to the remission of this grant of the million, he said, once for all, that he was inclined to doubt the policy of drawing a distinction between the different parts of the kingdom; and to this effect, when he was in office he had intended to propose, on the principle which had been suggested by Lord Althorp, that the occupier of land in England should be relieved from the burthen of paying the church-rates, and, in lieu of it, that £250,000 or £300,000, should be paid from the public revenues of the country. He might be told, that Ireland would derive no benefit from such a measure, as it was not burthened with church-rates. That was perfectly true; but he nevertheless considered that when important arrangements of this nature were to be carried, they were not to be balked because it subjected another part of the kingdom to a portion of the price to be paid for its removal. If, then, peace were likely to be conferred on Ireland by the measure now before the House, he should not consider the remission of the million an insuperable object to it, although England must necessarily bear her portion of the loss; but his intention was to have connected three pecuniary benefits together—namely, an advance to the Church of Scotland, an advance from the public funds to relieve England from the church-cess; and to meet this on the part of Ireland, he should have proposed, as a *bonus*, to release that country altogether from her obligation in regard to the million. It certainly could be shown, that in taking this course the three parts of the kingdom would not receive each of them its proportionate share of benefit, but he considered them as one empire; and unless that were the principle by which the measures of the legislature were guided, the same objection would arise in respect to every proposition of relief, and to every attempt to abate the grievances which might exist in any one part of the kingdom. Under all circumstances, then, he could not accede to the proposition to negative the clause, for if this course were adopted the treasury must recover the money; the law gave no indemnity to the treasury, and as the proprietors of the land could not be applied to, the *onus* must therefore fall upon the clergy; the treasury would have no other remedy but to proceed against the clergy, and the clergy would necessarily say—we must apply to the occupying tenant; and thus the police and the military would be again put in requisition, and new distractions of the most injurious tendency must be created; he therefore could not consent to negative the clause. A great portion of the debate had been expended upon the principle of this bill, and the prospect of its being a final settlement of the question it involved. His experience lessened his hopes of this every day, and his expectations that a surplus would be obtained, had been completely annihilated, for an advance of £50,000 from the public revenue was required for the purposes to which a surplus was to have been appropriated; but he had been led, by the example of other members, to allude to the principle of the bill. As to the question immediately before the House—if government despaired of recov-

ering these arrears, as the remission of them corresponded with what he had intended to propose, he should support the clause.

The committee divided on the clause, Ayes, 252; Noes, 25: majority, 227.

The remaining clauses were agreed to, and the House resumed.

## ORANGE LODGES.

AUGUST 4, 1835.

Mr. Hume moved a series of resolutions condemnatory of the existence of Orange Lodges generally, and more particularly as regarded their connection with the army.

SIR ROBERT PEEL was most anxious to state very shortly to the House the view which he had taken of this question, because on Tuesday next he might perchance not have the opportunity of stating the conclusion to which he had come upon the question, previous to the speech made by the noble lord opposite, and to which conclusion, notwithstanding that speech, he was still inclined to adhere. He had understood the object of the special report of this committee had been confined to the matter of the existence of Orange Lodges in the army; and he thought it would have been better if the resolutions and debate had been confined to the military question alone. He thought it was premature, when further evidence was to be had, for the House to enter into resolutions, when the whole of the evidence taken, or to be taken by the committee, was not before it. His construction of the resolutions was very different from that put upon them by the noble lord. He thought the first six or seven resolutions referred to the institution of Orange Lodges generally, and their civil consequences, and the last three or four he understood to refer to Orange Lodges in connection with military discipline. He should be disposed in the first place, to urge the postponement of the general question, on the ground that the report was not complete, but, without any distinction, he must on other grounds protest against the House acquiescing in these resolutions. These resolutions consisted of a mere declaration of fact—without expressing any opinion—without stating any expectation—that a law would be brought in to check such practices; and yet they concluded with a declaration, that along with the evidence taken before the committee they should be laid before his Majesty. Now, this was a novel course for the House to pursue; he meant to come to resolutions of fact, and to lay them before his Majesty without any opinion of the House thereupon. What was the answer which the Crown could give in reply? The Crown could not pledge its acquiescence to the opinion of the House, for the House had expressed none. This, therefore, was an inexpedient and an ineffectual course, and he had expected that the noble lord would have had the moral courage to make a statement to that effect. If the noble lord meant to state that it was necessary to have an explanation of the constitution of Orange Lodges as a preliminary groundwork for other proceedings, that would alter the effect of the resolutions, and would diminish his objection to assenting to them. But in that case the resolutions should be nothing but explanatory. It was indifferent to him what course the House might be inclined to pursue, but still he must say that the course now adopted was novel, considering that there was not a sufficient statement of the premises on which it was founded. He hoped that the House, before it affirmed these resolutions, would be certain of the accuracy of the premises on which it was based. [Oh! Oh!] “If the hon. gentleman is tired,” said Sir Robert Peel, “who makes these interruptions, he may retire. He has no right to interrupt me in my address to the House. I have already said, that I will not take any advantage of a number of hon. members having left the House, under the impression that no division will take place to-night upon this motion. No man who knows any thing of my parliamentary conduct for many years now past, has a right to say, that I am likely to take any unfair advantage of my political opponents. I am not the man to take an unfair advantage of any accidental conduct on the part of my political opponents to ensure to myself a mere temporary triumph; and my consciousness of that fact induces me to say, that any man who is tired of my observations had better to retire, and leave our debates to

proceed without interruption." The right hon. gentleman proceeded to state, that with respect to the connection and interference of the Orange Lodges with the military discipline of the army, he had no hesitation in condemning it in as strong language as any that had been used by hon. gentlemen on the other side of the House. The existence of such societies, as secret societies, must be unknown to the officers of the regiment in which they were formed; and, being unknown to them, must be subversive of all military discipline and subordination. It led, of necessity, to the formation of other societies of an opposite political character. Whether such societies were known under the denomination of Orange Lodges, or any other denomination, it was impossible to defend their existence. He had been prepared to take a course which he thought would have closed these proceedings without much difficulty. He had thought that the noble lord would have proposed that the evidence taken before the committee should be presented to the Crown; and that he would then have asked the Crown to institute an inquiry into the existence of Orange Lodges in the army. He thought that their existence at present was not sufficiently notorious. If any of the facts asserted in these resolutions were incorrect, the House of Commons must be responsible for that incorrectness. In his opinion, hon. members ought to examine the wording of these resolutions with great circumspection, in order to be certain that they were borne out by evidence in affirming them. For undoubtedly it lowered the character of the House of Commons to affirm resolutions without being master of the facts upon which they were grounded. He would call the attention of hon. gentlemen to the seventh resolution, which affirmed—"That it appears by the books of the Grand Lodge of Ireland, produced by its Deputy Grand Secretary before the Select Committee of this House, that the undermentioned warrants for constituting and holding Orange Lodges have been issued to non-commissioned officers and privates of the following regiments of cavalry and of infantry of the line, at home and abroad; to non-commissioned officers of the staff of several militia regiments; to members of other corps, and to the police." Then came proofs of the allegations in detail, extending to every regiment. The allegations as to the regiments were affirmed by proof, but there was no proof as to the existence of such Lodges among the police.

Mr. Hume (interrupting).—I stated facts, which it is impossible to contradict, respecting the formation of Orange Lodges among the Limerick police.

Sir Robert Peel: The hon. member has also made the same charges against "other corps," as, for instance, the Sappers and Miners.

Mr. Hume: Yes, and I proved it by reference to the evidence of Francis Kennedy.

Sir Robert Peel: The officer in command at Malta denies it *in toto*.

Mr. Hume: Let him deny it again, if he pleases. I produced the certificate and number of the lodge held at Malta, and the right hon. baronet, had he been in the House, might have seen it.

Sir Robert Peel: If you can establish that fact, I say at once I have no objection to agree to this resolution. But when, as is notorious, nine-tenths of the House which I am now addressing, have not examined the evidence taken before this committee, there is a great inconvenience in affirming such a resolution as that to which I have been adverting.

Mr. Hume: I copied out with my own hand the parts of the evidence which advert to this resolution; and, to prevent the possibility of any mistake, I cut out part of the evidence which is in print, and attached it to my resolutions.

Sir Robert Peel: When I am called upon to affirm facts which implicate thirty regiments, I should have certain and irrefragable evidence that such a formal resolution is not open to objection on account of its inaccuracy. Suppose, for instance, we had affirmed this resolution as to the colonies. It had been shown that evening, and fortunately in time, that the assertion of such a principle would have been incorrect. Had hon. gentlemen taken the trouble of considering that this was an inconvenience to which the House ought not to be exposed? The course which he would acquiesce in was this; he would vote for a general resolution descriptive of the constitution of the Orange Lodges—in a word, for that resolution which had formed the groundwork of the second resolution moved by the hon. gentleman, and which would answer every purpose contemplated by the hon. member for Middlesex. He

should then be prepared to acquiesce in the motion, That an humble address be presented to his Majesty, praying that he would be graciously pleased to allow evidence which had been taken, to be laid before him. He should then have been prepared to acquiesce in a resolution that his Majesty be pleased to direct his Royal attention (that by-the-by was a new form of address) to the nature and extent of the formation of Orange Lodges in his Majesty's army.

Mr. Hume: That would be dictation to his Majesty.

Sir Robert Peel was aware that it was quite impossible that loyalty so sensitive as that of the hon. gentleman could easily be satisfied. In future, when he heard any reflection cast upon the hon. member for Middlesex, either for want of loyalty or for want of decorum, he should always be ready to state, that when he had proposed to ask the Crown to grant a certain species of inquiry, the hon. member had significantly shaken his head and cried out "No, no," and declared that such a course of proceeding would be dictating to his Majesty. He acquiesced in the motion of the hon. member calling for the number of the lodges in which these warrants had been registered, and must concur with him in asking how these warrants had reached registration. He should protest against any special reference to the conduct of the Duke of Cumberland, and yet he should not desire to exempt that illustrious duke from an inquiry instituted by the Crown. He thought that the objection of the noble lord was well founded, and that it was impossible to name any individual in these resolutions without implying some censure upon him. Now, to imply censure on persons who had not been heard in their defence, was clearly inconsistent with justice. At the same time, he would say, that the course pursued by the noble lord was also open to objection. The noble lord had proposed a short adjournment of the debate, as if to give the Duke of Cumberland an opportunity of vindicating himself from the charges brought against him. Now, if that proposition were founded on the ground that the House was not in a condition to decide on the course which it ought to pursue, he had no objection to make against it. He trusted that that was the ground on which the noble lord had put this question. He thought, however, that the mere proposal of giving the Duke of Cumberland an opportunity of going before the committee to vindicate himself, implied a degree of censure against that illustrious individual. He confessed that he was prepared for one of two courses—either to continue to the present committee the power of making the inquiries which they were now instituting, or to postpone it altogether. An hon. gentleman had said, that he had no objection to extend this inquiry to the examination of the existence of Orange Lodges in England, and he would make no objection to such a proceeding. He had heard with great satisfaction, the opinion, that the result of this examination would be to provide for the termination of all societies of this character. Such a conclusion would be most satisfactory. He, therefore, hoped that all persons of influence would exert themselves to counsel the abandonment of these institutions. He admitted that no good purpose would be served by Orange Societies, but he was not prepared to sanction a string of resolutions condemning them on imperfect evidence. He never recollected such a course as that of the hon. member for Middlesex, who supplied every thing from his own report which tended to support his resolutions. If there were Orange Lodges in the army, that was in his opinion ground for a special report. But to propose a regular string of resolutions, without one tittle of proof to confirm them, was a course not hitherto warranted by parliament. He was not ready, however, to oppose the question of adjournment. In conclusion, the right hon. baronet stated, that he would not acquiesce in any resolution which in the present state of things implied censure on any party whatever.

The debate was then adjourned.

## CHURCH (IRELAND).

AUGUST 7, 1835.

The House having gone into Committee—Mr. Hume proposed that a clause should be inserted, with a view to the repayment of the million proposed by the Bill to be remitted to the Irish landlords.

SIR ROBERT PEEL said, that the hon. gentleman who had just sat down (Mr. Harvey), commenced his speech by declaring, that it was extremely painful to him to enter upon a second discussion of this subject, having so very recently addressed the House upon the same question. Notwithstanding this announcement the hon. gentlemen had entered at considerable length upon the subject, and at a considerable sacrifice of his private feelings, and, labouring under great personal suffering and pain, had addressed the House for nearly half an hour. Whether this suffering were real, or whether the hon. member's description of it might be taken as a specimen of that "rhetorical candour" he had spoken of in the latter part of his speech, he certainly might be allowed to have his doubts. With respect to the topics alluded to by the hon. member, he (Sir R. Peel) had certainly intended to have proposed, what the noble lord opposite had since intimated his intention of carrying into effect, namely, the remission of church cess in England. This would relieve the people of England from a payment amounting to about half a million, a substitute being provided to the amount of about £200,000 out of the general public funds. This proposition, however, did not originate either in himself or the present government, but in the noble lord, the late Chancellor of the Exchequer. In that intention of the noble lord he certainly concurred. The hon. member for Middlesex need not shake his head. He was not going to enter upon a discussion of the principle of church cess at present. Whilst, therefore, this relief was extended to Ireland, it should be recollected that when the church cess was remitted in England, Ireland should have to meet her share of the public burthen imposed in its stead. The hon. gentleman said, that the church cess of Ireland had been remitted two years ago. Very true; but then the people of England were not called upon to make any payment, or to take part in any payment, in its stead. England was not taxed for the Irish church cess; the English cow was not milked; but the cow resorted to on this occasion was the church of Ireland, the established church which made all the sacrifices. The substitute for the Irish church cess was entirely paid out of the ecclesiastical revenues of Ireland. The hon. member thought it would be unfair to allow the landlords a premium of 30 per cent. out of the tithes. Thirty per cent. might certainly appear a large *bonus*; his proposition was, to give 25 per cent. It was only a question of amount, for he thought there could be no difference of opinion as to the propriety of allowing some consideration to the landlords, for the new burthen which was about to be imposed upon them without their consent. He did not think the House could, with any fairness, call upon the landlords to pay the whole amount of the tithes payable on their land, a burthen which was not due from them, and then tell the landlords to remunerate themselves by getting the tithes from the occupiers as they could. Some remuneration, he thought, the House was bound to give the landlord, and, whatever it might be, it was only a question of degree. The hon. member for Southwark asked how hon. members could go back to their constituents, and justify their conduct in having opposed the motion which that hon. member had brought forward the other night on this subject. He (Sir R. Peel) thought they could go to their constituents with the best grace possible for having so done. The fact was, the hon. member had so blundered his motion that it would have been impossible for the hon. member himself to have carried it into effect if he had been allowed. The hon. member said, he would not trouble himself to propose any substitute for this clause, but that he would leave it out altogether. What would be the effect of that? Why, that the treasury would have been obliged to call upon the clergymen in Ireland for repayment of the sums advanced. The clergy would then be obliged to apply to the occupying tenants for payment of the arrears of tithe lawfully due to them, and, in default of succeeding, would be entitled to call upon government for assistance to recover those arrears; so that, after all, the treasury would have to make good the payment. How would the difficulty be aggravated also in cases where the occupying tenant, under whom the arrears fell due, was since dead! Considering all these difficulties, he for one, as an English member, was content to remit this million, in the hope of restoring peace to Ireland.

Mr. Tooke then proposed an amendment, which was negatived, and the clause agreed to. A discussion then ensued on certain clauses proposed by Mr. Bingham Baring:—

Sir Robert Peel thought, that the valuable part of the discussion was the admis-

sion of the right hon. gentleman the Chancellor of the Exchequer. He had understood the right hon. gentleman to admit, that he was ready to assent to the principle of clauses which would appropriate the revenue of every parish in Ireland, except the 860 particularly described in the bill, to purposes connected with the Established Church. The right hon. gentleman distinctly acknowledged that principle, because he talked of the fund to which the clauses referred as an unappropriated fund. He (Sir Robert Peel) apprehended that the people of England would make no objection to the principle of providing a fund for the education of the people of Ireland. There were some difficulties no doubt; but the principle being agreed upon, he did not believe that any objection would be made to a grant for the purposes of education. The proposition now made was, that they should provide a sum of £40,000 for education purposes—that an increase of the grant was required. The noble lord (Morpeth) in dealing with this subject, talked first of a reserve fund; but finding that he could create no such fund, he then came down, and asked for £50,000 to realize the expectation he had held out. He hoped his hon. friend would not precipitate a vote on the question, which certainly required a more mature consideration than it would then be in the power of the House to bestow upon it. To any distribution of Ireland into districts, he should decidedly object. At the same time, he should be sorry to give a direct negative to the proposition before the House.

The clauses were negatived, and the House resumed.

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## CORPORATION REFORM.

AUGUST 31, 1835.

In the discussion arising out of the consideration of the Lord's amendments to the above bill,—

SIR ROBERT PEEL observed, that the noble lord (Lord John Russell) in the speech which he had just delivered, was pleased so far to compliment him, as to express some satisfaction at his being present for the purpose of taking a part in their deliberations on that occasion; and if that satisfaction was founded in the belief that he should aid in making a settlement of this question (so far as his humble powers might enable him so to do)—that he should aid that settlement, which was perfectly consistent with the honour, the dignity, and the independence of both Houses of Parliament—the noble lord did him but justice in attributing to him such motives. He did feel it to be his duty to be present at the discussion, because he did entertain a hope that there were elements for a satisfactory arrangement on this subject. He appeared there also for the purpose of resisting, in case it should be made—though he did not expect it would be made, and the tone of the noble lord's speech almost convinced him that it would not be made—he appeared there for the purpose, he repeated, of resisting, if it should have been made, any measure or resolution calculated in the slightest degree to interfere with the honour or independent character of the House of Lords as a branch of the legislature. In the maintenance of that independent action he believed the prosperity of this country and its good legislation to be intimately involved: and he also believed that any attempt to subvert the one would terminate in the speedy ruin of the other. He did not, however, hesitate to pay the House the willing compliment of believing that, notwithstanding the menaces and denunciations of the press, their superior judgment would prevail, and that a vast majority of them would refuse to be a party to any proceeding calculated to destroy, or which at least would afford a precedent for the ultimate destruction of, that happily mixed and temperate form of government under which the empire had so long flourished. Much of the noble lord's speech, he was bound to say, he had heard with great satisfaction: but he was bound also to say that there were some parts of it which he wished were omitted, because they interrupted what, but for them, would have been perfectly harmonious. There were some parts of the noble lord's speech, referring to the other House, which he considered hardly justifiable. He repeated, that he thought the language of the noble lord not justifiable, if it were only that the tone and temper which characterized the part of the noble lord's speech in which he alluded to the House

of Lords were not in concurrence with the sentiments expressed in the remainder of it, and appeared to be the result of a departure from its general tenor. It was scarcely in his opinion necessary to allude so minutely to the proceedings of the House of Lords, or to throw upon the House of Lords the responsibility of expressions used by counsel at their bar. (Interruption.) He was stating his opinions, and he trusted not exaggerated opinions, upon the noble lord's speech, and he would not be deterred from so doing by any interruption with which gentlemen opposite might choose to meet him. It was his right, as a member of the House, when he concurred with the noble lord's sentiments, to express, in such terms as he chose to employ, that concurrence; and it was equally his right, when he differed from the noble lord, and whenever he thought proper to censure any part of any speech he might make, to claim and use a similar liberty. Freedom of speech was his privilege as a member of the House, and that privilege, considering it to be the key to freedom of discussion, he was determined to assert whenever he saw it in the most trivial degree assailed. He contended that when the House of Lords once determined to hear counsel at their bar—and let him remind the noble lord that one of the most powerful supporters of this bill, and one who once occupied the woolsack, was himself a party to the proceeding by which counsel were heard at the bar—he did not stop to consider whether it were a right or wrong course to hear counsel; but one of the most determined supporters of the bill was not only a party to the hearing of those counsel, but the person who selected them; but he contended that when the House of Lords had determined to hear counsel at its bar, it became an exceedingly difficult, if not impossible matter, to place any restrictions on what they might please to express. Nothing could be more dangerous or more unjust than to attempt to limit counsel in the choice of that course which they might think it right to take, or in the use of those expressions which they might consider it for the interest of their clients to employ. They might, if they pleased, have refused to hear counsel at all; but having once permitted them to appear at their bar, it was indisputable (and in this assertion he would be supported by every member of the profession) that no counsel would exercise the privilege of pleading if interruptions were permitted, or if it were allowed to the tribunal before whom he was suffered to plead, on accusations affecting judicial rights, to delineate the course which they should be bound to pursue. There had been, at former periods, bills before the House of Lords—bills, for instance, of pains and penalties—upon which counsel were heard, who indulged in observations distasteful to the majority of the House of Commons, but on those occasions no attempt was made to dictate to counsel what course they should adopt, or what language they should employ. He was not saying too much in asserting that such an attempt would have met with a signal resistance from some of the very party who now so vehemently exclaimed against the latitude allowed to counsel in the case of the measure under discussion. In his opinion, it is much better for tribunals on all occasions to protect that great principle, which after all was the mainspring of free discussion, and to permit to counsel charged with the defence of the interests of their clients, the free choice of their topics, and, at the same time, of the language in which those topics should be expressed. But let him entreat the noble lord, on the present occasion, to recollect, as against the language and course adopted by the counsel in the House of Lords, the fact—and it was a fact for which he could vouch—that out of deference to the wishes of the House of Commons many of the peers waived objections they entertained to the bill, their object in so doing being the preservation of those two great principles upon which the House of Commons set so much value—he meant those of popular control over the proceedings of councils and of annual elections. Let the noble lord recollect that those were considered by this House the main principles of the measure, and let the noble lord, at the same time, bear in mind that, notwithstanding any of the amendments introduced into it by the other House of Parliament, these still continued the most prominent features of the amended bill. It was hardly necessary, he conceived, for the noble lord to have made any apologies for the concessions which he was willing to make, when he bore in mind that these two great principles of popular control and annual election had been confirmed by the House of Lords. He thought, indeed, that the noble lord and the House of Commons should feel a stronger inclination to regard in a favourable light those amendments



which had been made by the Lords, and from which they (the House of Commons) might, abstractedly speaking, be inclined to dissent, when they reflected that the House of Lords, habituated to take a different view of charters—yes, he repeated, habituated to take a different view of charters and vested rights, had relinquished those motives by which, under ordinary circumstances, they were actuated, from a desire to establish not only a good system of municipal government, but a system founded on such principles as they thought the House of Commons would be likely to approve. In estimating the amount of concession, he could never forget that it was an impossibility that both Houses should agree in every particular, and that it was nothing but intolerance and tyranny to deny to either the power of recording a sound and deliberate judgment on the measures which were submitted to its consideration. It was but acting in compliance with the true dictates of wisdom for each House to make such concessions as might be granted without the sacrifice of principle, and for both to join in following that course which might lead to the utmost mitigation of evil, and to the attainment of the greatest amount of good. If they could not effect that object, they must use their greatest possible efforts to accomplish it; but, above all, do not let them act on the presumptuous principle that they must be right, and all others wrong, which was the foundation of all intolerance. So much he had said as to the general principle of the amendments which were made by the House of Lords, and he would next pass to the speech of the noble lord. There was nothing, he was bound to admit, either in the tone or temper of the noble lord's speech, or in the propositions which he laid down, or in those which he meant afterwards to submit, which should prevent the House of Lords from carefully reconsidering the amendments which they had introduced into this measure. He meant to assert his own right of private judgment; but, whether he agreed to the amendments of the Lords or not, he should be ready and willing to consider them as the effect of decisions arrived at by a large majority of the other House of Parliament. He would then proceed to express his opinion as well as he could with respect to the more important proposals which the noble lord had submitted for their consideration. The first was with reference to the amendment which directed the selection of aldermen for life. He believed he should most effectually (if he could do any thing towards conciliation) promote the possibility of a perfectly honourable arrangement on this subject, by expressing clearly and decidedly his own opinions on this amendment. As he said before, he should with equal boldness express his concurrence in, or his objections to, the views which had been taken by the noble lord. On that principle, then, he did not hesitate to say, that he did not consider the introduction of aldermen for life an improvement to the bill. He felt bound further to say, that if that proposal were made in the House, strong as his objections were to many parts of the bill, he did not think he could have supported such an amendment. He did believe that the selection of a certain number of existing aldermen, by the existing councillors (existing, at least, in some cases), and constituting them by law a part of the new council, to the amount of one-fourth, would imply a distrust, without conveying any security; and it appeared to him that it would place those aldermen so selected for life in a permanent minority, and would countervail those advantages of character and station which would secure their return as members of the council, if placed upon a footing with the rest of the community; but which, under the proposed arrangement, would be more than counterbalanced, and even rendered completely nugatory by the fact, that these aldermen were forced into the corporate body without the consent of the community whose affairs they were to manage. It seemed to him also, that the placing for life those aldermen to be selected by the existing councils amongst the new bodies, was not in conformity with the general provisions of this measure. The noble lord did not propose to reject altogether the amendments made by the House of Lords, but that a certain number of the council should be elected for six years—an alteration which, as it coincided with the principle of the present amendment, and with that of the bill, would meet his approbation, and he thought it was one to which the House of Lords ought to agree. With respect to the town-clerks, the amendment respecting whom the noble lord seemed to consider of the greatest importance, he felt obliged to express his disagreement from the opinions expressed by the noble lord. The noble lord was obliged so far to admit the vested interest of the town-

clerks in their office as to grant them compensation for the loss of it. [Lord John Russell: The town-clerks were to receive compensation only in case of removal.] Yes, but was it not infinitely better to retain the individual who was able to perform the duties of the office, and to oblige him to fulfil those duties, rather than remove him for the purpose of making room for another to whom the same amount of salary would, in all probability, be paid, while the town-clerk who was deprived of his situation was granted a considerable sum in the shape of compensation? He might refer to the authority, not only of the noble lord, but to the unanimous authority of parliament, in confirmation of his opinion on this point. So lately as the year 1832, subsequently to the reform in parliament, when a measure of the most extensive reform in the corporations of Scotland was introduced, although many of the principles on which that measure was founded were more extensive than those of the present bill; yet probably from a provident knowledge of the Scotch, and the consequent conviction that they would infinitely prefer paying the existing clerk for performing the duties of his office, to giving him compensation for his removal from it and putting another in his place, who would be paid the same salary, parliament paid the just and merited compliment to the people of Scotland of expressly providing that it would be lawful for the town-clerk who held office at the time the bill came into operation, to continue to hold it *ad vitam aut culpam*. The third point in the noble lord's speech related to the nomination of the justices. He considered the amendment of the House of Lords in this particular part of the bill to be one attended with great advantages. As they sent the bill from the House of Commons these justices were proposed to be invested by the Crown with certain local jurisdiction, but that the candidates for the office should be selected and nominated by the town-council. It was argued that this practice was in conformity with the ancient and continued practice of corporations, by which the justices were always chosen and appointed; but those who took this view of the subject forgot that by the ancient practice the magistrates were really *ex officio*, for the charters which constituted the corporations were granted by the Crown, and under these charters they were enabled to act *ex officio*, the appointment conferring on them judicial functions. By this bill, however, as it passed the Commons, the council was empowered to present a certain number of individuals to the Crown, and to confine the Crown in its selection to the persons whom they had chosen. A most invidious task was thus imposed on the Crown of rejecting a certain number of those submitted for appointment. He thought, therefore, that the unrestricted choice which was now allowed to the Crown was preferable; for where responsibility existed at all, it was infinitely better that it should be undivided, than that it should be shared upon two separate parties. He must say, then, that it was a course which was more respectful to the Crown, and more likely to ensure a judicious selection of magistrates, that the choice should be perfectly free, and not restricted to a limited number nominated by the town-council. He considered it quite right that the management of, and control over, local affairs should be intrusted to those chosen by the inhabitants; but it did not necessarily follow that justice would be better administered by those who owed their appointment to the men on whose rights and property they were called upon to adjudicate. This power was, in his opinion, properly vested in the Crown, which was constitutionally and justly considered the fountain of all justice. With respect to the division of the towns into wards, he saw no objection to the proposal of the noble lord on this head, by which the King in Council was empowered to sanction the award of the revising barristers. He considered it desirable that in matters of this nature a power to amend or alter decisions made by revising barristers, who might be frequently young men of little practical knowledge on such subjects, should be granted to the King in Council. The noble lord proposed to adhere to the principle of qualification, though by what mode that principle should be carried into operation he intended to reserve until to-morrow. He apprehended that the qualification of £1,000 in large places, and £500 in small places for members of the council, would be agreed to. With respect to that qualification which was proposed, by making those only eligible to become members of the town-council who belonged to the one-sixth class of rate-payers, who paid the highest amount of rates, he thought it one to which, if it stood alone, great objection might fairly be taken. If these two qualifications, however,

were joined, it might add considerably to the number of those who would be eligible to be elected to the town-council. If in addition to this change, a clause were introduced in conformity with the suggestion which he had formerly offered to the House that the candidates for the council should be required not to undergo an examination into their pecuniary affairs before the revising barristers (an ordeal which, sooner than submit to, they would, he believed, not wish to become councillors at all,) but to make a solemn affirmation instead of suffering an inquisition into their property—if these changes were made, he repeated, they would, he thought, be likely to answer the views of all parties. With respect to the tolls, the noble lord complained that a great act of injustice had been done to the House of Commons by the amendment introduced by the House of Lords. If any one had a right to complain of these alterations it was he, for the noble lord had read an extract from a speech of his which was very accurate, and which conveyed his opinions in at least as good language as he could express them, and the noble lord admitted that the principle of the appropriation of tolls was there clearly laid down, and should have been adopted. The House of Lords, however, were not of the same opinion; and he could conscientiously say that the change which they had effected in this part of the measure, he did not consider to have cast the slightest reflection upon him. He thought it wholly unnecessary to impute, as the noble lord had done, injustice to the House of Lords, because they had altered the preamble of the bill for reasons which they stated, and in conformity with their views on the subject. He really did not feel so extremely sensitive as to impute to the House of Lords an act of injustice to that House, and desire for spoliation, because they made alterations in that part of the bill which the noble lord had stated to be in perfect keeping with his expressed opinions. “I hope I may be allowed to say,” continued the right hon. baronet, “in perfect good humour, that I cannot help entertaining a slight suspicion that the comments of the noble lord on this part of the amendments introduced by the House of Lords were made by way of compromise with some of his more ardent supporters, and that he conceived that three or four hard words spoken against Sir Charles Wetherell, and the unjust preamble of the House of Lords, would reconcile these gentlemen to the adoption of the propositions which he laid down when they found the noble lord so exceedingly vigorous in his denunciation of the other House of Parliament.” With respect to the rights of freemen, the House of Lords, he found, took a different view from the majority of that House. He was perfectly willing to admit, as he had already said in the speech quoted by the noble lord, that in many instances he should not object to the resumption of property by the commonalty, taking especial care that every legal and vested interest should, in the most scrupulous degree, be protected. He quite agreed too with the noble lord, that after giving compensation to individual interests, or even by buying up the tolls if necessary, every member of a trading community should be placed upon a perfect equality in all commercial concerns. The noble lord proposed to alter the clause which confined the power of appointment to benefices under the control of the corporation to members of the Established Church. There he totally differed from the noble lord; and while he consented to the adoption of the principle that no distinction in point of religion should be made where any secular office was in question, or where civil rights, or rights of trading, or any thing in the nature of civil employment or emolument were concerned, yet when the qualifications of the ministers of the Church of England was the matter to be determined, if the right were to continue in corporations, it was only proper and just to reserve it to the members of the Church of England who belonged to that body; and he could not see the slightest reflection on the Dissenters in disqualifying them for deciding on the capabilities of a minister of the Established Church. A cry of want of toleration was raised against this principle; but really there ought to be toleration towards the Church of England as much as towards the Dissenters. The toleration of the noble lord was unilateral, and he ventured to say, that if certain chapels belonging to Presbyterians, Unitarians, or Independents, were endowed in this country, and that it was proposed that the choice of their ministers should be vested in him, it would be denounced as a proposition of the grossest intolerance, and it would be most justly and fairly charged against him that he had no right whatever to appoint ministers of whose qualifications he could not possibly be a competent judge. Such an amendment, when proposed by

him in that House, even the hon. and learned member for Dublin assented to. The noble lord, too, who he believed took an active part in those discussions respecting the veto, must recollect those passages in Burke, in which he referred to the members of one Church deciding on the qualifications of the ministers of another, and of the control over the Greek bishops existing at Constantinople; and the general principle which he laid down was, that dissentients from that Church could not have the same interest in securing good ministers; that they had not the same means of judging of their requisite qualifications; but above all, that their appointments would never challenge the respect or win the affection of the great mass of the members of the Church over which such a power was exercised. He believed he had now referred to most of the important points in the noble lord's speech, and he should not have felt justified in taking up the time of the House on matters of detail, particularly when there would be in all probability a separate discussion on each amendment, if the noble lord had not taken a collective view of the whole of them; a course which he felt compelled to follow. He could not conclude without expressing an anxious hope that the perfect independence which they claimed for themselves would be willingly extended to others, and that all being at perfect liberty to consider these amendments, they might arrive at the desired conclusion, that in the present session of Parliament this question should be finally settled. He believed it to be the prevailing and unanimous wish of the country, wearied by political discussions and dissensions, that this measure should pass into a law. They might depend upon it, that in supporting the other branch of the legislature in its independent character, they would best preserve their own dignity. The points on which they were at variance were comparatively immaterial; the great principles of popular control and annual election were approved of by both branches of the legislature. After the bill having been sent down by the House of Lords, if this question were not now settled, it must be settled in the course of the next year; and he believed that the measure would prove the more satisfactory to the inhabitants of the whole kingdom if it were completed now, and thus prevent that excitement and those party differences in every town in which it was intended that a new municipal body should be established. There was an additional reason for the settlement of this question. There were clauses in the bill, which led many of the existing corporate bodies to believe that a serious encroachment on their rights would be attempted; and the consequence was that an opinion prevailed, which he considered to be one of great injustice to these bodies, that they would oppose every improvement as an ingression upon their rights and privileges. This impression, though unfortunate, was an additional reason why this question should be settled. Under these circumstances, his first wish on that occasion was, that they should uphold the perfect independence of the House of Lords with the same zeal as they would defend and protect their own privileges; and, if his second hope, that he might be somewhat instrumental in promoting an amicable settlement of this question, were realized, and if he should effect that object, he should certainly not regret his presence at their deliberations that night.

The House then proceeded to consider the amendments *seriatim*; several amendments proposed by Lord John Russell on the Lords' amendments were agreed to, and the House resumed.

SEPTEMBER 1, 1835.

Lord John Russell proposed to take £1000 as the qualification for town councillors in boroughs with four wards, and £500 in boroughs with less wards than four.

SIR ROBERT PEEL said, that the principle of qualification having been conceded by the noble lord, he (Sir R. Peel) was clear as to this point, that the simplest test as to qualification that could be proposed would be by far the best. He did not think that the selection of one-sixth of the highest rate-payers was a good test. It certainly had the advantage of simplicity, but it was at the same time fraught with an infinity of disadvantages, that counterbalanced completely all the benefit derivable from its simple nature. In the jury bill, where a qualification was required, he had selected the simplest as the best test, and a man who occupied a house with fifteen windows was qualified to serve on juries. They could not have such a test here, but they should be guided by the same principle of simplicity in selecting one. The noble

lord proposed only one test—namely, £1,000 in real or personal property for boroughs with four wards, and £500 for boroughs with a less number of wards. Now, he (Sir R. Peel) thought it would be a great advantage to give an alternative test. He repeated, he had no objection to abandon one-sixth of the highest rate-payers, as he regarded it as a bad one. He would propose, however, to superadd to the possession of property rating to a certain value or amount. He would propose, that in the first class of towns parties rated at £30 a-year, and in the second class of towns parties rated at £15 a-year, should be eligible as town-councillors. He could very well conceive the case of a man of respectability, of integrity, and consideration in one of those towns—a man possessing the confidence of his fellow-townsmen—occupying premises of a certain value and paying rates to a certain amount, and yet who might find it difficult to declare that he was worth £1,000. He could conceive the case of such a man, occupied in expensive but safe and lucrative speculations, as to whose wealth there could be no doubt amongst his fellow-townsmen, and yet who might have a scruple to declare that he was actually worth £1,000. Besides, there would arise this consideration—was it £1,000 free of all debts and incumbrances? Now he would meet cases of that kind by this alternative, test of rating. It was a thing easily ascertained, and about which there could be no doubt.

In consequence of a remark which had fallen from the hon. gentleman, (Mr. Ward) he felt called upon to restate what he had already stated yesterday—namely, that in what he said with regard to these amendments, he was only giving expression to his own opinions, and not expressing the opinions of others. To the opinions which he entertained before these amendments were made, he was still ready to adhere, but at the same time, he was prepared, as far as possible, to acquiesce in any amendments, besides those which he himself suggested, which would have the effect of leading to an amicable arrangement of the question. He proposed the qualification of rating not in lieu of the other, as seemed to be imagined by the line of argument which had been adopted, but concomitantly with the pecuniary qualification, and for the purpose of widening the sphere from which the town council was to be selected. Hon. members threatened a division. Well, then, were they to divide upon the qualification, or were they not? If a division were resolved upon, the sooner it was resorted to the better; but in his opinion, notwithstanding all the absurdity that had been attributed to the qualification, there would be still more in pressing a division which hon. gentlemen would go to with a trembling hope that they might prove unsuccessful.

In reply to Lord John Russell—

Sir Robert Peel said, that the proposition he made was, that the £1,000 qualification should have a concomitant one of a rating of £40, and that of £500, one of £20. He had since considered and inquired on the matter, and had been induced to take a lower rating, namely £30 and £15. Below this he was not prepared to go.

Mr. Roebuck proposed as an amendment that a rating of £10 should be the qualification in all cases.

Sir R. Peel said, that hon. members seemed to think that he had proposed his amendment with a view of restricting the constituency, when in fact his proposition of taking the rate as the qualification would enlarge it. He did not consider his proposition very unreasonable. Hon. members argued as if the House had been unanimous upon the subject. Now, when the bill was formerly before the House, he moved as an amendment that the qualification should be £40 and £20, and upon that occasion he divided the House, when the numbers for his amendment were 204, the number against it being 262. Yet, notwithstanding that, he voluntarily came forward, and proposed that it should be reduced to £20 and £15. He thought that a moderate proposition; considering that he had so large a minority as 204. As to the rating in provincial towns he apprehended that it was higher than was generally supposed. He had called for returns from the Portsea district, and he found that both there and in Portsmouth it was very large. He saw no evil which could result from the adoption of his proposition. Besides, as they had adopted the principle of qualification, it was desirable, as the noble lord opposite had stated, that they should also adopt such a scale of qualification as was likely to be adopted by the other House.

The House divided on the amendment: Ayes, 37; Noes, 27: majority, 234.

Clause M (after clause 63), which had been inserted by the Lords to provide that members of the Church only should appoint to vacant benefices, &c., in the gift of corporations, was then taken into consideration.

Sir Robert Peel wished that the advice as to conciliation, which had been urged by several hon. members, had been sooner followed; for motives were attributed in the strongest terms to the House of Lords, for the amendments which they had made, which were not, he was persuaded, justifiable. Even the hon. gentleman who spoke last said, that the amendments of the House of Lords cast an opprobrium on the Dissenters. Now he must declare, that he did not believe the House of Lords had the slightest intention of fixing or implying any opprobrium on the Dissenting body, by the introduction of the amendment which they had made. He, for one, would never consent to take any part, either directly or indirectly, which would frustrate the effects of that political and religious equality which had been established by the repeal of the Test and Corporation Acts; but he must say, that the clause which prevented the members of one spiritual creed from appointing the ministers of another, did not, in his opinion, interfere in any way with the beneficial consequences of the abolition of such laws as the Test and Corporation Acts. If by act of parliament, the nomination of Unitarian or other Dissenting ministers were placed in the hands of members of the Church of England, such a legislative provision would be reprobated by all parties. It was no answer to that position to say that the parties who in such cases would be selected would in all probability be well qualified and proper persons. He was, at the same time, ready to admit, that the existing law did give Dissenters, who were members of the corporations, the right of taking a part in the appointment to the livings which were in the gift of those corporations. It was, however, clearly the principle of our law, before the passing of the Test and Corporation Acts, that the members of corporations should be members of the Church of England, although an annual bill of indemnity was agreed to for the purpose of relieving those who violated that law from being subjected to its penalties. In many cases in which there were numerous livings in the gift of corporations—such, for instance, as Bristol and Norwich, it was clear that the majority of the members of such corporations might be Unitarians or other Dissenters, and that the whole right of presentation would be vested in them. Now, he never could be persuaded that an arrangement by which such a state of things could be produced, would be satisfactory either to the possessors of the patronage themselves, or to the members of the Church of England who were more immediately affected by it. In limiting the right of presentation, therefore, to those members of the new corporations who were also members of the Church of England, he was convinced that the House of Lords had not intended any disrespect to Dissenters, and had not manifested the intolerant spirit which had been imputed to them. It should be remembered that there was a wide distinction between a civil trust and a spiritual trust. He could never admit that the House of Lords, in what they had done on this subject, had justly subjected themselves to the odium which was attempted to be cast upon them of wishing to affect the great principle which had been established by law of a perfect equality of civil rights. With regard to the proposition which had been made by the right hon. the Chancellor of the Exchequer, it was one of very great importance; and he thought that it would be more satisfactory to all parties if the discussion on the clause under consideration were postponed until they saw the mode in which the right hon. gentleman meant to develop that proposition. At the same time, it was exceedingly desirable that the whole subject—the clause in the bill which it was proposed to omit, and the provision which it was proposed to introduce—should be taken into consideration at the same time; and he, therefore, thought that it was not advisable to dispose of the clause to-night, and to take the right hon. gentleman's proposition into consideration to-morrow. He confessed, too, that on a matter of such importance, introduced for the first time to the House, although he was not in a condition to state that he entertained any serious objections to it, he was still desirous of reserving to himself the power of deliberation, before he yielded to it his assent. He certainly was not prepared at the moment to give to the proposition the unqualified approbation which had been given to it by his hon. and learned friend. In the first place, he should have been glad if it could be found practicable to avoid an absolute compulsion by law on the corporations to dispose of their Church patronage. It might be, that in many cases they were by far the fittest persons to exercise it. He would rather wish to avoid compelling, by law, either corporations or individuals to sell property of that description. Whether, however, the right hon. gentleman's

proposition would be preferable to leaving the nomination to livings in the hands of Dissenters, was a question on which he was not prepared at once to decide. Some of the corporations possessed very extensive Church patronage. The corporations of Bristol and Norwich, to which he had before alluded, had, he believed, no fewer than twenty-two livings in their gift. At so short a notice, he did not think the House ought to be called upon to deal with so considerable a property without due consideration. Many points must be considered. Within what time were the corporations expected to dispose of this property? If the legislature recognised it as the property of the corporations, they certainly ought not to compel the proprietors to dispose of it under circumstances which would not allow them to realize its value. The suggestion of the hon. member for Shaftesbury, that the property in question might be purchased by the Crown, and the nomination placed in the hands of the bishops, would, perhaps, be a better mode of dealing with the subject; but, at the same time, he readily admitted that it would not be wise to encumber the bill at present with such a proposition. He hoped, however, that his Majesty's government would not preclude themselves from considering the suggestion at a future opportunity. He trusted that the noble lord would postpone the further proceeding with the clause in question, until time had been afforded to take into consideration the proposition of the right hon. gentleman. He had been too much in public life not to know the value of four-and-twenty hours in deliberating on any great public subject.

Clause postponed. On the 96th clause being read, Lord John Russell moved the re-insertion of the words omitted by the House of Lords.

Sir Robert Peel thought, that the alteration made by the Lords in this part of the bill was a very great improvement, and he should cordially support the proposition of his learned friend (Sir W. Follett) for retaining that alteration. He thought the amendment of the Lords drew the proper distinction between political and judicial functions. He thought that the Lords in making that amendment had acted upon the principle recommended by the bill itself, which did not leave the recorder, or any other judicial officer, of any corporate city or town, to be popularly elected, but enabled the Crown to appoint, arbitrarily and at once, without reference to the town-council, or to the constituency of the town-council. It was hard that they could not discuss these subjects without having motives imputed to them. The hon. member for Liskeard was not justified in attributing to them interested motives, a new-fangled loyalty, or in fact any thing but a desire to improve the measures which were brought before them for their consideration. If the hon. gentleman's principle were correct, why did he not allow the council to appoint the Recorder, and other judicial functionaries; and if he were so satisfied that the people would always make a proper choice of magistrates, why did he not allow the people, who elected the council, to appoint the magistrates? Why did he leave any intermediate body at all? The right hon. gentleman, the Chancellor of the Exchequer, had said he was sure no one could breathe a suspicion against the justice and discretion of the new corporate bodies, as regarded the recommendation of fit and proper persons to sit as magistrates. Surely that observation came strangely from one who said that the new corporate bodies were not to be trusted with the distribution of Church patronage. Under all the circumstances, he regretted that the noble lord (Lord J. Russell) should seek to interfere with what he conceived to be the very judicious and very proper amendment of the Lords.

The House divided on Lord John Russell's motion: Ayes, 164; Noes, 69; majority 95. Several other amendments were agreed to, and the House resumed.

SEPTEMBER 2, 1835.

On Clause 47, which imposes a penalty of £50 on any person, not qualified, acting as mayor, alderman, or councillor; Lord John Russell proposed after the words, "not qualified," to add the words "or during his continuance in office."

SIR ROBERT PEEL observed, that it was fruitless to divide now upon the principle of qualification. The noble lord opposite, for the purpose of facilitating the settlement of the question, had stated what were the points he was disposed to concede. Of these the principle of a qualification was one. He had supported that principle, and he did not think he should raise himself in the opinion of any hon.

member, if he were now to get up in his place and say, that he did not think any qualification necessary. But when the noble lord consented to a qualification, he was bound to make it as good as possible. For his own part, it would quite have answered his purpose if the clause had stood in the form in which it was originally framed; but, when the Attorney-general inserted words which made it necessary for a person to have a qualification at the time of his election to office, it also became necessary to add the words, "or during his continuance in office." The clause was certainly better as it originally stood, but it would now be necessary to have the double amendment. He thought that the practical difficulties which would result from this amendment had been greatly exaggerated. A similar proviso was inserted in a great many local acts, and no advantage was taken of it. The chance of retaliation would, in his opinion, practically control vexatious proceedings in the first instance. Besides, this objection of vexatious proceedings being likely to be instituted, would only apply to those cases where the qualification was on account of property, and not on account of rating, and this would narrow the sphere of inconvenience considerably. It was now asserted, though little of this was heard last night, that the parties would be influenced by political excitement. Why, that was what he said last night when the question of the choice of magistrates by the council was discussed. He had said, "they will be acted upon by political feelings—they will be politicians." Now that was admitted, and if so, and a party should be influenced by political animosity to bring a vexatious action against another, it would be right to avoid the danger of occasional qualification, as the prevalence of the same feelings might influence persons to qualify for the occasion, with the intention of evading the penalties of the act. He thought that the penalties could not safely be diminished. There could be no doubt that a continuous qualification must be retained, if there was to be any qualification at all. He had no objection to confine the power of bringing these actions to the burgesses of the towns, and he should wish to diminish the time within which these actions were to be instituted. If the hon. and learned Attorney-general would give up his amendment, the object of the noble lord's amendment would be realized, but he did not see how that could otherwise be done.

Amendment agreed to.

Lord John Russell then proposed that the House should proceed to the consideration of the clause disqualifying members of the council not belonging to the Church of England from interfering with the patronage of livings in the gift of corporations. He believed the most convenient way would be to take Clause L in conjunction with Clause M, and to discuss the principle of both at the same time.

Sir Robert Peel thought it was necessary on occasions like the present to overlook minor difficulties, and although he saw undoubtedly great obstacles in the way of compelling sales of property of this nature, yet considering that the proposal of the right hon. gentleman would relieve them from the pressure of considerable difficulty on both sides in the way of a satisfactory settlement of the corporation question, he was content for the present to waive all such objections. The adoption of the right hon. gentleman's proposition had met with the willing consent of several of his hon. friends; and he was bound to say, that the transfer of this patronage to individuals, if it could have been effected with the entire consent of the corporations, would be a good thing for the church; because it would put an end to that sort of canvass which was unavoidable, where the members of a popular body had a voice in the nomination, and which was so peculiarly odious and objectionable in the case of spiritual preferment. Apart, therefore, from the consideration of the principle of property, and looking at the question abstractedly, he thought the nomination by individuals subject to individual responsibility would, on the whole, be an improvement; but believing that the proposition of the right hon. gentleman would tend to remove considerable difficulties in the way of an amicable arrangement with regard to this whole measure, he would not in the slightest degree oppose its adoption. He must, however, be allowed to insist, that the Lords in introducing this clause had no intention or design whatever of trenching upon the great principle of perfect civil equality between Dissenters and members of the Church of England. He did not wish to provoke any discussion on the subject; but when so much had been



urged as to the establishment of "new distinctions," he begged leave to say that so late as 1833, a bill was introduced by his Majesty's present government, with respect to the Church of Ireland, wherein certain commissioners were appointed, and in the very first clause they were required to make oath as follows:—"I do hereby solemnly declare, and in the presence of God, testify and declare that I am a member of the United Church of England and Ireland as by law established. Witness my hand." That was in a bill introduced by the Whigs, but it was not his object to provoke discussion, and he, therefore, would make no further remarks on the clause, but give his assent to it.

This clause, with several others, was agreed to: and a committee appointed to draw up the reasons to be assigned why that House disapproved of some of the amendments which their Lordships had made on the bill. The conference between the two Houses took place on the 7th of September; and on the 8th instant, Parliament stood prorogued till Thursday, Feb. 4, 1836.

## THE ADDRESS.

FEBRUARY 4, 1836.

The Speaker having read to the House a copy of His Majesty's Speech on the opening of Parliament, and Sir John Wrottesley having moved the Address,—

SIR ROBERT PEEL spoke as follows:—The speech which has been delivered from the throne this day naturally suggests, as preceding speeches have done, many considerations, which press for the decision or upon the attention of parliament, connected with the foreign and domestic policy of this country. I will reverse the order in which those great topics for our consideration were referred to in the speech of my hon. friend, the member for Staffordshire, who moved the address, and will briefly direct attention, in the first instance, to those parts of the royal speech which refer more immediately to the foreign policy of this country. I rejoice to hear that his Majesty entertains a confident hope of a continued maintenance of peace. I rejoice, also, to hear that his Majesty is enabled to congratulate himself on the continued maintenance of a good understanding with his powerful neighbour, the king of the French. I consider the maintenance of that good understanding to be essential to the best interests of both countries, and certainly a great security for the continued tranquillity of Europe. I hope, indeed, that all the countries of Europe are so deeply impressed with the importance, nay, the moral obligation of maintaining peace, unless war be necessary for the vindication of national honour, or the protection of some essential interest, that, even if the continued good understanding between England and France did not afford a strong guarantee for the continuance of peace, the breaking out of hostilities in Europe would be an event not likely soon to occur. I trust also that the increased commercial intercourse between this country and France will still confirm their common interest in maintaining the relations of peace and amity with each other. Another source of satisfaction to me—which, however, I derive not from the speech from the throne, but from intelligence I have lately received in common with the public—in the prospect of an amicable termination of the differences which have for some time existed between France and America. Both those countries ought to understand that the great parties, and indeed all intelligent persons in this country, who take a more enlightened view of what is really for the interest of the country, than superficial observers gave them credit for, are unanimous in wishing that the differences between them may be speedily and amicably terminated. I believe there is no party, and scarcely an individual in this country who would contemplate with any feeling but that of pain, the commencement of hostilities between France and America. I think there is no man—I speak thus generally, for it is my belief that the observation will apply almost universally—who does not think that any petty advantage which this country might derive from the commencement of hostilities between two such powerful parties would be dearly purchased by the hazard which would occur of a general war, and the common injury which the interests of industry, humanity, and morality, must thereby sustain. With respect to Spain—I do not quarrel with the terms in which that country is alluded to in the speech from the throne, or the address in answer to it, although I

dissent from the policy which our government is pursuing towards Spain. I cannot concur with the hon. member for Sheffield in congratulating the House on the manner in which our interference in Spanish affairs has taken place—I, for my part, regret that his Majesty's subjects have been permitted to enter as parties into the conflict now going on in Spain. I do not perceive that such interference on our part has in any way had any tendency to diminish the shameful and disgusting practices (I care not by which party committed) which have cast a stain upon the national character of Spain. I perceive, however, that his Majesty's speech contains a reference to Spanish affairs, which I certainly did not expect. It contains a direct reference to the conduct of another government towards its own subjects. The speech undertakes to pronounce an opinion upon the prudence and caution of the course pursued by the government of the Queen of Spain. I am most certainly surprised to find such a paragraph introduced into a speech framed by the present government, because I recollect that when, so lately as 1830, reference was made by us to the course which had been pursued by the King of the Netherlands, a most severe censure was passed upon it. We were asked whether we had not enough to attend to in looking after our own affairs—and significant allusion was made to India and Ireland—without passing an opinion upon the conduct of a foreign government with respect to its own subjects, and we were forewarned—and it seems with good reason—that the precedent then established would hereafter be followed. The introduction of the words which I have alluded to, shows the character of the part which we are acting with respect to Spain; it shows that we are becoming daily more and more parties to the contest—parties not directly by the manifestation of open hostility; but it is a fact that, with respect to Spain, we have, without intending to incur the risk of war, departed from a principle which I thought was held sacred by hon. gentlemen opposite; namely the principle of non-intervention in the internal affairs of other nations. The cause of quarrel could never be taken into consideration upon the principle which I thought hon. members opposite were determined to support, and therefore, by lauding the conduct which the queen's government has pursued, they are establishing or confirming, if they please, the precedent of interference in the domestic affairs of other nations. Notwithstanding the confident assurances of the continuance of peace which are contained in the royal speech, there is, it appears, to be an increase in the Naval Estimates. I presume that the increase will be considerable, since mention is made of it in his Majesty's speech. It is not absolutely necessary that this should be so; but I presume, that if it were intended to make only what might be considered an ordinary increase in the estimates, no direct mention of the circumstance would be made in the speech from the Throne. Some of my friends near me think that this passage in the speech is intended as a reflection upon the government which preceded the present. We have little time to scrutinise documents of this description; but, from my own observation, I do not consider that the passage in question bears that imputation. When I and my hon. friends prepared the Navy Estimates last year, I have no hesitation in saying, that we considered it to be our duty to reduce them, as well as every other estimate, military and civil, to the lowest point consistently with the protection of the honour and the true interests of the country. I apprehend, however, that the reduced estimates which we framed, met the general assent. The hon. member for Middlesex, it is true, complained that the reduction had not been carried further; he proposed, I believe, a reduction of ten thousand men. My right hon. friend behind me doubted whether reduction had not already been carried further than was consistent with the true interests of the country; but I did not understand that the House generally entertained any doubt as to the propriety of the reductions proposed, and, therefore, I differ from those of my friends who think that the passage in the speech which refers to the proposed increase of the naval force can be meant to imply a reflection upon the government which preceded the present, that it neglected the naval honour; and I am glad to perceive that my impression is confirmed by the assent of the right hon. gentleman opposite. As there are so many other topics of urgent domestic interest adverted to in the speech, I shall postpone for the present all further reference to what it says respecting the foreign policy of the country, and shall proceed to offer a few remarks upon the principles which it is said are to govern its domestic administration. We are told that material changes, which are called, "better provisions,"

are to be effected in the departments of law, especially in the Court of Chancery. To the manner in which these changes are recommended I do not object. It implies no pledge, but leaves every one at liberty to act on his own views of the nature and extent of the proposed reform. Without, therefore, pledging myself to any future line of conduct, I will say that, if I should be compelled to come to the conclusion that it is important to make an alteration in the high and distinguished office of Lord Chancellor of England, by separating its judicial from its legislative functions, I shall come to that conclusion with great pain. It will, however, require a great deal to convince me that it is either right or expedient to divest so high a judicial officer of all his political functions, especially when it is well known that it is those functions which secure to the Lord Chancellor his pre-eminence as a judge. I thank the hon. member who seconded the address for the candour with which he had admitted that there had been a great failure in the appointment of commissioners to exercise the powers of the great seal. Indeed, that failure must be admitted by everybody who knew that the arrears in the Court of Chancery had mounted up to 800, from 200, during the period in which the commissioners had presided over that court. [Mr. Parker twice said a few words in explanation.] It may promote the convenience of the hon. member to interrupt me as I proceed, but it will promote the convenience of the House still more if the hon. member will not interrupt me again until I have concluded my speech. The salary of £10,000 a-year, allotted to the Lord Chancellor, had been given to the three commissioners, the hon. member has explained how they have divided the business to delay it, has he also inquired whether the commissioners have not divided that sum among them? Now, as they have increased the arrear of business ["No, no," from Mr. Parker]—as they have done no good whatsoever, according to the hon. member—[Mr. Parker had not used any such language.] Have they, I asked last year, and I repeat the question now, have the three commissioners, who have done no good, according to the hon. member, except it be a good to increase the number of arrears, have they divided among themselves the salary of the Lord Chancellor? For my part, I wish to see the important office of Lord Chancellor maintained upon its present footing, and the same high and independent confidence reposed in it by the bar that was reposed in it at present. It is not for me to inquire why the confidence of the Crown was not continued to Lord Brougham, the late holder of that high judicial office. It is enough for me to know that another arrangement was made. That arrangement continued almost up to the meeting of parliament, and was not altered until after the appearance of a pamphlet by Sir Edward Sugden. The appointments subsequently made might not stand in the relation of cause and effect to that pamphlet, but to the world it appears as if never pamphlet had been more efficient, for it seems to have conferred three offices, and to have created three peerages. His Majesty's Speech also refers to the measures which are to be introduced into parliament on several matters of important domestic interest. It refers to all of them, with one exception, in a manner which is not calculated to invite any opposition. With respect to the commutation of tithe in England and Wales, it suggests the propriety of taking it into immediate consideration. It lays down no principle on which the measure is to be founded—it calls for no declaration of opinion from the House as to the mode of dealing with it. I introduced into parliament last session a measure founded on the principle of voluntary commutation. The noble lord opposite dissented from the principle of that measure, and declared that no measure would be satisfactory which did not include a compulsory obligation to commute the tithes. In my opinion, it will be a matter of difficulty to reconcile the principle of compulsion with justice to the tithe-payer and to the tithe-owner. If the noble lord can reconcile that principle with the just claims of those two parties, I shall be ready to give to the noble lord's plan all due consideration, as I am convinced that the time is come when a permanent settlement of the tithe question must be made. I will pass over many of the points referred to in the speech, not wishing to excite a desultory conversation, which can lead to no results, upon matters which require, and must undergo before long, full discussion. I will only say, that whatever opinions I may entertain upon many of the measures which it is the intention of his Majesty's government to lay before Parliament, I have no objection to urge against the manner in which they have been mentioned in the speech from the throne. There is one point, however, a solitary exception, as I have before stated, to the rest

of the speech on which I wish to say a few words, in order to guard myself, in future, from misrepresentation. On that point my suspicions are awakened, not only by the terms in which the subject is referred to in the speech, but also by the singular contrast which exists between these terms and the terms in which every other topic referred to in the speech is mentioned. Whatever difference of opinion may prevail on political questions on the two sides of that House, the evil effect of that difference can only be increased by members allowing themselves to become, through negligence, or, still, worse, through intention, parties to any deception on the public. The particular subject to which I referred, and to which I only refer, for the sake of guarding myself against misrepresentation, is the subject of the intended reform in the municipal corporations of Ireland. I do not wish to enter at large into that question at present, which would be an inconvenient time for such a discussion; and the time will speedily arrive when such a discussion must be entertained, and when the House must devote itself to its full consideration. I do not refer to this subject so much on account of its own merits, as on account of the pledge, which, unless I am much mistaken, the speech and the address both called upon us to give. The terms in which the reform of the Irish municipal corporations are referred to are briefly these:—"We assure your Majesty that being already in possession of the report of the commissioners appointed to inquire into the state of the municipal corporations in Ireland, we entertain a hope that it will be in our power to apply to any defects and evils which may have been shown to exist in those institutions a remedy founded upon the same principles as those of the acts which have already passed for England and Scotland." It appears to me, that if we consent to that passage in the address, we shall pledge ourselves to apply the same principles of municipal reform to Ireland as we have already done to England. I might hereafter say, that I did not put that construction upon the passage which I have read; but I am desirous not to be a party to any misconception upon the point. If it be meant that, by agreeing to these words, I shall give the pledge which I have described, I, on the truest grounds, object to being called upon to do so. I object to being called upon to give such a pledge, because (apart from the merits of the question) I think it unfair that I should be placed in that position at an hour's notice. I assume that it is intended to involve me in a pledge—that if I should assent to this part of the address without protesting or moving an amendment, hon. gentlemen opposite would say, hereafter, when I objected to their measure, "You are too late; you pledged yourself on the first day of the session to apply the same principles of municipal reform to Ireland as have already been applied to England and Scotland." I say that it is unfair and unjust to call upon me, at so short a notice, to pledge myself with respect to so important a matter. The calling upon me to give that pledge, supplies you with no advantage for the ultimate decision of the question, unless it is meant unfairly to entrap me, and thus fetter my future conduct. You should have contented yourself with a simple notice, that the subject was to be brought under consideration, and then we should have come to the discussion with the same advantages which you yourselves possess; but instead of that, a speech is delivered from the throne this day, upon which an address is afterwards founded, of whose points no person is cognizant but yourselves, and then you call upon us, without notice, and meeting in London now for the first time after the recess, to pledge ourselves to adopt a most important course of proceeding. I say that this is unjust, and inconsistent with the course which has been pursued upon all similar occasions during the last twenty or thirty years, by all governments and almost all oppositions. I maintain that, during the period I have stated, it has been an object to avoid calling upon an opposing party to give such a pledge as that now required; and the speech from the throne, and the address (which is the material point for us to consider) have been so framed, that although the intentions of government upon subjects of the utmost importance, and referring to measures of the first concern, have been clearly exhibited, the necessity of moving an amendment has been imposed upon the opposition. I think there is a great advantage in our being able to meet on the first day of the session without a division. So far was I from advising any preconcerted amendment upon the present occasion, that the advice I gave, as my friends know, was, that they should move no amendment on the first day of the session to the address to the throne from both Houses of Parliament, unless the necessity for doing so should be imposed upon them, contrary to usage. I declare sincerely,

that to call upon the House to give a pledge upon this point, is contrary to the practice observed during the last twenty years. I do not undervalue the measure which is about to be proposed, but I assert that measures of at least equal importance, and with respect to which the most violent opposition was expected, have been referred to upon former occasions, and yet the address has been so framed as to dispense with the necessity of an amendment. When the measure for relieving Roman Catholics from civil disabilities was referred to in the King's Speech, in 1829, it was done in such a manner that the party who opposed that measure did not feel it necessary to propose an amendment. The right hon. baronet opposite (Sir J. Hobhouse) says that the government was not strong then—and I suppose he intended me to hear the observation; but whatever I may think of the correctness of his opinion upon that point, he surely will not deny that the government which brought forward the Reform Bill, after the dissolution of parliament in 1832, was strong enough to have been able to have carried an address, pledging their opponents to the principle of that measure; and yet they abstained from doing so. I say, therefore, that against the course now proposed to be adopted I have the experience of all past addresses during the last twenty or thirty years, which, though referring to important matters upon which the minds both of the ministers and their opponents were made up, exacting no pledge from any party. I further refer, as a proof of the injustice contemplated by that part of the address which I deprecate, to the remainder of the address itself. It touches upon other points, with respect to which no pledge is demanded—namely, tithes, alterations in the Court of Chancery, and the introduction of poor laws into Ireland. With respect to these topics the address confines itself to saying what I wish to be said upon the subject of Irish Corporations—that the House is prepared to give to any measures proposed by the government impartial consideration; upon the point of Corporations in Ireland alone does the address go further, and declares that such consideration only will be given provided that the measure proposed be founded upon the same principles as the acts which have already passed with reference to Corporations in England and Scotland. Looking upon the speech from the Throne as the speech of ministers, I, with great respect, protest against their right to prescribe to me what shall be the principle of the measure about to be introduced. “Leave that,” I will say, “to the fair consideration of parliament—state that it is your intention to introduce certain measures—state that you feel the necessity of applying a remedy to certain grievances—but state that you leave the consideration of that remedy to parliament.” Upon other points his Majesty is made to express his firm expectation that they will be so treated “as to increase the happiness and prosperity, by promoting the religion and morality of my people;” but the subject of municipal corporations in Ireland is specially excepted, and we are not only told that we must consider of a remedy, but the principle upon which that remedy shall be founded is prescribed. Again, I protest against the justice of this proceeding apart from the consideration of the merits of the question. Fair notice ought to have been given; and if it were intended to introduce this pledge into the address, we ought, at least, to have had the advantage of the practice which prevailed in former times, and been allowed twenty-four hours' consideration, and not twenty-four minutes, before we were called upon either to acquiesce in a declaration by which we should hereafter be bound, or to protest against it by moving an amendment. I can appeal to another authority in favour of the view which I take of this subject—namely, to the experience and good sense, and sense of justice of the gentleman selected as the mover of the address; for in the speech in which he recommended the adoption of the address, he distinctly told the House that he anticipated no objection to it, because it called for no pledge. If the hon. baronet's interpretation of the address be correct—if ministers adopt his honest suggestion on candid admission, they cannot object to clear up all doubt upon the point by acceding to a verbal alteration: for the last thing which I wish is, to be under the necessity of moving an amendment; but at the same time I am resolved that I will not incur the risk of exciting expectations which, in all probability, I shall feel myself called upon to disappoint, nor embarrass my future proceedings by unnecessary pledges. It may, perhaps, be said that there is a distinction between the question of Irish Corporations and the other matters referred to in the speech—such as the question of English tithes, reform of the Court of Chancery,

and the introduction of poor laws into Ireland, because a measure has passed through the House of Commons with respect to the first, which is not the case with regard to the others. When the bill respecting Corporations in Ireland was introduced last year, I protested against being called upon to consider it at that time. I stated that at the time it was introduced I had no opportunity of reading the report of the commissioners. I read neither the report nor the bill, and I reserved to myself the right—whatever might be the decision of the House respecting the measure—of acting as I thought proper, with regard to it, if it should be again introduced during the present session. The distinction, however, which I am supposing might be attempted to be set up, on the ground that the bill for altering Irish corporations received the assent of the House of Commons, does not avail. What course has been taken with respect to the appropriation principle? That was a principle to which the majority of this House assented, and not only assented, but recorded their opinion that no settlement of the question of Irish tithes would be satisfactory, or conduce to the peace of Ireland, of which the principle determined on should not form an essential part; and yet in your address you have not called upon us, the minority, to assent to that principle. And wisely have you abstained from doing so. I am not referring to this omission by way of taunt. However firmly your own minds may be bent upon carrying that principle into effect, and however essential it may be deemed by a majority of this House, I think you have acted wisely in not provoking disunion on the first day of the session, by calling upon the minority to affirm it. If, however, you pursue this course with respect to the appropriation principle—if you feel that there is decorum in not calling upon us to acquiesce in that principle—why do you not act in the same way with reference to Corporations in Ireland? It may be said that the report of the commissioners has been presented; and so it has; but it is only ministers, or members immediately connected with government, who have cognizance of the address intended to be moved; and no person from reading the report of the commissioners could suppose that it was meant to call upon the House for the pledge contained in the address. At half-past two o'clock the speech from the Throne is delivered, in which parliament is called upon to consider the subject of Irish Corporations, and at four o'clock we are required to pledge ourselves to the precise principle of the measure intended to be introduced. I find that the commissioners themselves have, in their report, studiously avoided suggesting any principle upon which a measure should be founded. If the commissioners, after full deliberation, had suggested a comprehensive remedy for the evils complained of, I can conceive that there would have been some ground for calling upon us to acquiesce in their plan; but the commissioners conclude their report by expressly remarking, “We have not thought ourselves authorized to recommend specific measures of improvement in our reports, save so far as the notice of, and necessary observations upon, the defect and cause of evil, tend to suggest the remedy. But we feel it to be our duty humbly to represent to your Majesty, that the early and effectual correction of the existing evils, and the prevention of future mischief, are anxiously desired and essentially requisite; and that these benefits can be attained only by means of a general and complete reform of the constitution of the municipal corporations in Ireland.” If the commissioners, after the fullest consideration, abstained from suggesting any measure, is it consistent with justice that, at an hour’s notice, we should be called upon to pledge ourselves, not only to the application of some remedy, but even to the principles upon which the proposed remedy shall be founded? Another very important subject—namely, the introduction of poor-laws into Ireland—is referred to in the address; and let the House contrast that part of the address which relates to municipal reform in Ireland, with the phraseology in which poor-laws for Ireland are referred to, and you will find the variance so strong, the distinction of expression so remarkable, as to strike one forcibly on hearing it. If, with a knowledge of this difference of expression, I were to consent to the pledge now proposed, I may be told at a future day, when rising to oppose any details of a bill for the reform of the Irish municipal corporations, “You are too late—you committed yourself to the principle of the measure by acquiescing in the address, and you cannot now oppose it.” It would be added, “See what was said relative to Irish Corporations; a specific principle was pointed out; while in the case of poor-laws, parliament was simply invited to approach the subject with caution,

proportionate to its importance and difficulty; but no particular measure was recommended." It would be said, that we had raised expectations with respect to Irish Municipal Reform which we could not fairly disappoint, and it would be urged that the same principle should be applied to Ireland as to England and Scotland. This argument would be strengthened by a reference to the manner in which poor-laws for Ireland are adverted to in the address. I am aware that various opinions have been entertained on that subject, and that the right hon. Chancellor of the Exchequer himself has hitherto, I believe, been opposed to their introduction. Why do I advert to this difference of opinion? Simply because the opposition which has been offered showed that, in the opinion of some gentlemen opposite, a principle esteemed good for England is not, as a matter of course, necessary for Ireland. The terms in which ministers speak of poor-laws for Ireland are cautious and measured, and simply suggested to parliament the propriety of looking to the experience of the effect already produced by the act for the amendment of the laws relating to the poor in England, but in no respect fetters our opinions, or seeks to tie us down to any fixed principles. The address proposes to thank his Majesty for the information that a further report of the commission of inquiry into the condition of the poorer classes in Ireland will speedily be laid before the House, and to assure his Majesty, that parliament will approach the subject with the caution due to its importance and difficulty, and impressed with a conviction, that the experience of the salutary effect already produced by the act for the amendment of the laws relating to the poor in England and Wales may, in many respects, assist our deliberations. Why may we not claim the humble privilege of being allowed to apply the same cautious deliberation to a subject of equal importance and difficulty? Why not treat the question of Irish municipal reform in the same manner as is here suggested in reference to Irish poor-laws? Your own address is evidence against the impolicy and injustice of prematurely pledging the House on one point while you abstain upon another. Do I propose that there should be no reform in Irish municipal corporations? Far from it. Am I prepared to defend the exact principle on which they exist and operate? I am not. But I wish not to enter upon the question upon this occasion, not doubting but full opportunity will be afforded for discussing it. I content myself with stating my objections to being pledged beforehand to a particular course. I am asked, and so is the House, to promise to apply to Ireland the same principles of municipal reform which have been already applied in England and Scotland. What are those principles which, without exception or reservation, we are called on to affirm? The destruction of self-election in corporations might be a principle; but can any thing be more difficult than to define its precise limits and operation? You say that the destruction of self-election is one of your principles; but I repeat it is hard to define those principles exactly, and where a latitude is allowed, gentlemen may be entrapped into pledges and concessions they never contemplated. In England the rate-payers at large, in Scotland the £10 householders, are the constituent body. If I assent to the address, and afterwards see reason to move, on the introduction of an Irish municipal reform bill, that in Ireland £50 householders should vote in the election of the corporate bodies, am I to be taken as adhering to, or departing from, the principles now referred to? If I assent to the address, reserving to myself the right and power to alter the details of the proposed bill as I please, am I not, in point of fact, encouraging delusion? I am prepared to give the important subject of municipal reform in Ireland full and fair consideration, but I reserve to myself the power of applying my mind unbiassed and unfettered to the question. I admit that there must be extensive alterations in the Irish municipal system, but I am not going to enter into the merits or details of the subject. I reserve to myself the right of considering the subject maturely in all its bearings, uninfluenced by fanciful and merely plausible analogies. I intend to look not at words but things. I will consider the bearings of this question on all the interests of the empire. It is not necessary for me to defend abuse—it is not necessary for me to maintain self-election—it is not necessary for me to attempt to vindicate exclusion from offices connected with the administration of justice—it is not necessary for me to contend for the misappropriation of funds, or to refuse to take effectual security against future misappropriation; but when I come to consider this question, I will look at the whole state of Ireland, and I will ask myself whether,

under the pretence of removing one exclusion, I shall not be confirming another. I will look to whom power will be given, and I will look to what objects the power so given will be directed. If I believe that power will be conferred in such a way as to conduce to the strengthening of the connexion between the two countries—if I believe that it will confirm those ancient settled institutions constituting the government, which my hon. friend, the member for Staffordshire, says he is determined to maintain, then I will consent to give it; but I will not be deceived by any plausible analogies, where no real ones exist—I will not be bound to apply the same principles with respect to municipal corporation reform in Ireland which have been applied in England, unless I am certain that they will be employed in the same manner and for the furtherance of similar ends. Having received no assurance that it is not intended to bind me by a pledge, and being most anxious to guard against any possible misconstruction—feeling, too, that the course now taken is contrary to that pursued in other parliamentary addresses, and inconsistent with parliamentary usages, I propose to move the omission of the objectionable words; substituting for them others which, so far from excluding a measure of municipal reform for Ireland, will leave the question open for every one of the most extreme opinions to approach as he may please. In taking this course I entertain a confident hope, although I find it necessary to propose an amendment, that there may be no division on the address, and I entertain that expectation because ministers may concur in my proposition without relinquishing a firm determination to bring forward their own principles, and enforce them in any measure which they might propose to the House. I will read the words of the address as it stands at present, and then propose an amendment. The clause to which I object is to the following effect.—to assure his Majesty, that being “already in possession of the report of the commission appointed to inquire into the state of the municipal corporations in Ireland, they entertain the hope that it will be in their power to apply to any defects and evils which may have been shown to exist in those institutions, a remedy founded upon the same principles as those of the acts which have already passed for England and Scotland.” I move that those words be omitted, for the purpose of inserting the following,—“to assure your majesty, that being already in possession of the report of the commission appointed to inquire into the state of the municipal corporations in Ireland, we will proceed without delay to the consideration of any defects or evils which may have been proved to exist in those institutions, for the purpose of applying such remedies as may obviate all just causes of complaint, and insure the impartial administration of justice.” I have purposely framed my amendment in a way which will render it possible for gentlemen opposite, though retaining their own opinions on the subject of Irish municipal reform, and determined, when the proper time comes to enforce their principles to the utmost of their ability, to adopt it, to avoid an appearance of disunion on the address by concurring in my proposition.

The House divided on the original motion: Ayes, 284; Noes, 243; Majority, 41.

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## STATE OF AGRICULTURE.

FEBRUARY 7, 1836.

In the discussion arising out of Lord John Russell's motion, “That a select committee be appointed to inquire into the state of agriculture, and into the causes and extent of the distress which exists in some important branches thereof”—

SIR ROBERT PEEL wished sincerely that he could participate in the expectation entertained by some of his hon. friends as to the practical advantage to result from the appointment of the committee. He did not, however, entertain that expectation: his belief was, that when the committee sent in their report, probably at the close of the session, the result would prove to be not very different from that of 1833, namely, a strong opinion expressed by the committee, and as firm a conviction on the part of the House, that legislative interference would not afford the means of relief or prosperity to the agriculturists. At the same time he thought, whenever there was a strong and general feeling subsisting among a particular class admitted to be distressed, that an inquiry into their condition was desirable, and might be ad-



vantageous. He thought that, under such circumstances, those who doubted the utility of the investigation were nevertheless bound to consent to it, and thereby obtain the moral advantage to be gained by the inquiry, whatever might be the result. If he thought that the committee was appointed with a view to promote an alteration in the standard of value, and if he believed that the result would be to alter it, he for one would not consent to the proposition. He felt as deep an interest in the prosperity of agriculture as any man—his interest in the question was perhaps stronger than in another; but with this feeling he was assured that the true friend of the agriculturists was not he who flattered them with fallacious expectations, but the man who frankly stated what he believed to be the truth as to their condition and prospects. If the committee were about to undertake the task of ascertaining the effect produced upon agriculture by the alteration of the currency in 1819, or if it were appointed for the purpose of investigating the various causes of depression to which that interest had been exposed, it was about to enter upon a task which, pursued in the usual manner, would necessarily end in disappointment. If the committee even took evidence and inquired into various circumstances of agriculture, in widely different parts of the country, with a view of assigning to each particular depression its peculiar cause, it would engage in a task which could not be accomplished by any committee. To select particular cases of distress and depression from particular parts of the country would be fruitless, and would not prove satisfactory to the rest. At the same time he admitted, that if a committee were to be appointed, it was wise not to restrict its powers closely within the limits of a particular subject. But, so far as the interests of agriculture were concerned, he thought they would be best promoted by the committee addressing itself to practical remedies. Possibly some assistance might be derived from a reduction of the land-tax, a mode of relief not of late rendered available. If the committee addressed itself to practical subjects, it might obtain the means of administering, if not extensive relief, at least material alleviation, to the agriculturists. As to an inquiry into the causes of the depression of the price of agricultural produce, it could not be attended with any benefit, or produce any practical result. They found a depression of prices admitted; he hoped, if the committee thought it necessary to go into the cause of it, that they would not confine themselves merely to the alteration in the currency, but would also consider the effect of a cessation of war, of a return to peaceful habits and pursuits, and of improved and increased means of production. Cases ought not to be selected from particular portions of the country. If the committee were going to ascertain the real causes and condition of agricultural distress, they must not take the cases of a heavy soil, where the production of wheat was necessarily expensive, but they must look at the subject as a whole, and not merely look at the condition of agriculture, but at the other interests involved in, and connected with it. He could not help thinking that he saw, in the great prosperity of our trade and manufactures, a more encouraging prospect of an improved condition of agriculture than in any other definite cause. However, one thing appeared self-evident—it was clearly as much for the interest of agriculture as for that of commerce and manufacture that we should adhere to the present standard of value. He might here observe, that, in common with other gentlemen, he considered the condition of the labouring classes highly important; but he was surprised to hear the hon. member who preceded him state, that there was no improvement in their circumstances within the last few years. The result of the inquiry made in 1833 was, that though agriculture was not in such a state as could be wished, yet that there had been a material improvement in the condition of the labouring classes as compared with their state in former but recent periods. Gentlemen might entertain a different opinion, but he was only saying that the committee of 1833 had so reported. There was a universal impression on the part of the committee, that the state of the labouring classes was materially improved. [Mr. O'Connell: "In England?"] He meant in England. He agreed with the committee in this opinion—it was his sincere conviction that the condition of the labouring classes had improved; that they were earning at least an equal money amount of wages as at former periods, and that they possessed a greater command over those commodities which were essential to existence. That consideration afforded him consolation for the pain he felt at the complaints made (some of them not without justice) with respect to the alleged injurious effects of the currency

bill of 1819. He believed in his conscience it was essential to the national security that the condition of the labouring classes in this country should be improved; and he believed that the first necessary step to that improvement consisted in the selection of some one permanent standard of value. Hardly, therefore, as the measure might bear on some persons, on the labouring classes it had operated favourably, and the paramount advantage of that circumstance in some degree countervailed the pain he experienced at the prejudice which the bill of 1819 might have caused to other classes. With respect to practical and local measures of relief, it might be worth while to consider whether there was not a possibility of diminishing, in some degree, the amount of payments required from united agricultural parishes, on account of the building of workhouses under the poor law amendment act. He thought the interest payable for the advances was greater than in other cases where public money was advanced. Here was a practical case, admitting an easy remedy. As the noble lord found that the security in those and other cases was equal, and that less interest was demanded on advances in other instances, he hoped the noble lord would consider the subject, and that the appointment of a committee would not preclude the government from affording practical relief; for it would be a disadvantage to the agricultural interest if the inquiry to be made into its condition should suspend any favourable intention that might have been entertained towards it. Believing as he did, that great benefit would result to the agricultural interest from the alteration in the poor-laws, and having done what he could to enforce the improvement in his own neighbourhood, he nevertheless thought, that we must take care not to overrate the future permanent reduction of expense, from the circumstance of the act coming into operation at a time when there was a greatly increased demand for agricultural labour on account of various improvements, including the extension of railroads and other public works. He was not going to say one word against the effect or operation of the poor-law amendment act; but he cautioned gentlemen not to expect an extensive and continued reduction of expenditure in future, arguing from what had already taken place, to which they ought to bear in mind that other causes had contributed. With respect to the strong language used by the hon. member for Birmingham, he felt unwilling to enter upon the subject—this was not the time to do so; but he should apprehend that the very precise, close, and practical reasoning of the hon. member that night, must suggest to the committee that the hon. member was one of the earliest witnesses to be examined before them. He hoped he might promise the hon. member that he should be examined more in detail upon the facts than on former occasions, and he trusted there would be none of what the hon. gentleman called, “tomfoolery;” but that he would receive every opportunity of showing that an alteration of the currency was the best cure for agricultural distress. When he recollected the prophecies he had heard from the hon. gentleman as to the impossibility of maintaining the present standard of value, and continuing to carry on our trade and manufactures in a degree at all proportionate to their ancient prosperity, and looked round him and saw the condition of those great interests, he now might be excused for doubting the hon. member’s present predictions. When he found that it was consistent with the hon. member’s proposed alteration of the currency, nay, a part of his plan, that extensive assistance should be granted by joint-stock banks to persons producing security for the advances he asked, why could not this method be resorted to at present? When the hon. gentleman admitted that our commerce and manufactures were prosperous, and that their prosperity co-existed with a gold standard, he could not understand why the same standard should be less favourable to another great interest, or why it could not also co-exist with agricultural prosperity. His firm belief was, that the permanent welfare and prosperity of this country, agricultural as well as commercial and manufacturing, were deeply involved in the maintenance of the present fixed monetary standard.

The committee appointed.

## COMMUTATION OF TITHES (ENGLAND).

FEBRUARY 9, 1836.

Lord John Russell moved for leave to bring in “A Bill for the Commutation of Tithes in England and Wales.”

The question having been put—

SIR ROBERT PEELE stated that he did not rise for the purpose of urging any preliminary objection in point of form to the present proceeding, but he nevertheless thought it important that the law of Parliament should be distinctly defined and adhered to in the course to be pursued with respect to tithes; otherwise there would be a variety of conflicting authorities and precedents on the subject. The authority of Lord Althorp would be quoted for having introduced his Tithe Bill in a Committee of the whole House.

Lord John Russell: Lord Althorp took two courses: he first introduced his bill, as has been now done, and afterwards moved the House into committee, and introduced the bill again.

Sir Robert Peel was aware a mistake had been committed by the noble lord, who might therefore be appealed to as an authority on both sides, either for proceeding by bill or committee. Gentlemen might quote himself as an authority for proceeding last year by resolution in committee of the whole House, and that precedent might be met by the authority of the noble lord, who had proceeded at once by bringing in a bill. Thus, there had been four adverse precedents as to the manner of introducing the tithe subject within two years. It would be of advantage, for the purpose of preserving regularity and uniformity in their proceedings, to determine whether it was right to proceed by way of resolution in committee of the whole House, or by an original motion for leave to bring in a bill. He did not say this by way of objection on the present occasion, but because he thought it of importance that the law and practice of parliament should be settled, and because he considered it an advantage to the public, where a question of importance like the present was to be introduced, that the bill should originate in the usual form, in a committee of the whole House; for it was obviously of consequence that prejudices and doubts arising from ignorance of the details of a plan should be met immediately by explanations from the individual proposing it, and this could be most conveniently effected in committee. He apprehended that the noble lord had made considerable advances towards an agreement with him on the subject of tithes in some important respects. He did not urge that circumstance as an objection against the noble lord; so far from it, that he thought the noble lord perfectly right in admitting the force of objections which he found to be insuperable, and adopting another plan which he might hope to find more satisfactory than those which he had previously advocated. The noble lord felt the objections against the mode of estimating the real value, and taking the averages of seven years, as formerly proposed, and he also now felt the objection to Lord Althorp's plan for establishing a certain proportion between rent and tithe, things quite different in their nature, but in respect to which gentlemen had been deceived by an apparent but fallacious analogy. Tithe was a payment founded on the basis of actual produce, but rent was not; therefore the two charges were incommensurate; and this being the case, any attempt to establish a proportion between rent and tithe must necessarily end in failure and disappointment. The nominal rent of two farms might be the same, yet afford no criterion of the actual productive value of the land; for in one case a man might pay for farm buildings and superior personal accommodation, and in the other the amount of rent might depend on the superior fertility of the soil. He quite agreed with the noble lord, therefore, that it was proper to abandon the attempt to establish a proportion between rent and tithe. The noble lord had adopted the whole machinery proposed to be introduced into his (Sir R. Peel's) tithe bill of last session—he did not complain of the plagiarism, far from it; he wished sincerely that the noble lord had adopted the whole bill, and carried out its principle, as well as the machinery, in his own measure. Even now the noble lord seemed willing to admit of alterations in his bill, and rather to invite contributions and suggestions for perfecting it. Encouraged by the tone of the noble lord, he felt almost inclined, if he could find his own bill of last year, which had never been presented to the House, to ask leave to bring in a measure by which he proposed to effect a voluntary commutation of tithe. That was the principle of the bill of last session, and in the present measure the noble lord did not exclude it. He would not now enter upon the noble lord's plan of a minimum and maximum of rent-charge, ranging between sixty and seventy-five per cent. of the gross value of tithe, because he found it infinitely better to abstain

from any attempt to decide the question, not on the sight of the noble lord's bill, but merely on the statement of its author. It would be better for every gentleman to reserve his opinion on the subject of the plan, till he had enjoyed an opportunity of examining the bill itself. The difference between the noble lord's proposition and his own consisted in the principle adopted, not in the machinery by which that principle was to be worked out. He (Sir R. Peel) proposed that a commission should be appointed, consisting of a superintending board, with functionaries acting under it; and whatever principle parliament might finally adopt as the basis of commutation—whether a compulsory principle, as now proposed, or one of a voluntary nature, as suggested last year—he doubted exceedingly whether, without the aid of such functionaries, the necessary local inquiries and arrangements could succeed, or a satisfactory settlement be obtained. He believed, however, that the noble lord had adopted the mode of proceeding, waiving the principle, proposed last year—the only mode, as it seemed to him, of acting with effect. That plan consisted, as he had said, in the establishment of a superior central board of commissioners, in correspondence with sub-commissioners, using their persuasions on the spot, in order to effect a settlement of tithe, affording information to those who required it, and assisting the parties interested with their advice. The difference between the principle of the measure now proposed by the noble lord, and that formerly explained to the House by himself, was simply this—that he had proposed, that for a certain period the parties interested in the payment and receipt of tithe should be invited by one of the travelling commissioners to meet him for the purpose of considering the question, and attempting to come to a voluntary agreement for a permanent commutation of tithe; while the noble lord, though he still proposed to allow for the operation of the voluntary principle a certain period—he had mentioned six months—at the expiration of that time introduced a compulsory commutation, and now stated the principle on which it was to be applied. It was true the noble lord did not seek to bind himself or the House exactly to the space of six months, though he had mentioned that period as the term to be allowed for voluntary commutation; but neither did he (Sir R. Peel) mean ultimately to exclude the compulsory principle, if he had found its adoption necessary. If a voluntary commutation had failed, it was still open to him to resort to a compulsory provision. Meanwhile, the advantage of this plan over that of the noble lord consisted in this—that, whereas the noble lord now proposed, without having any experience of the working of the principle of a voluntary commutation, to prescribe at once, in precise terms, the manner in which his principle of compulsory commutation should be exercised; he proposed not to adopt the compulsory provision till he had tried the voluntary plan. He thought it impossible for the noble lord at this moment to lay down any such principle precisely, with a well-founded assurance that it could be carried into effect; yet, if parliament were to prescribe principles upon which a commutation was to be effected, it was of importance that the country should understand that those principles would be strictly adhered to; but this, he repeated, was absolutely impossible in the present instance. The tithe payers and receivers would be utterly at a loss to understand how they were to proceed to a voluntary commutation, unless they felt assured that the principle now laid down would be firmly adhered to in all cases; but it was impossible to be certain of that, for the noble lord, though he talked of seventy-five per cent as a maximum, and sixty per cent as a minimum, said very plainly that he would not bind himself to that proportion. [*Lord John Russell meant to adhere to a progressive scale between sixty and seventy-five per cent.*] He confessed he did not think this a whit more satisfactory than the noble lord's original statement. Parliament would find it very difficult to determine with exactness what the proper proportion should be in all cases. He was glad to observe that great progress had been made towards voluntary commutation, on the principles of the plan which he proposed last session; and his firm conviction was, if the parties were once brought to an approximation, under the guidance of impartial persons able to answer every question of law, and inquiries as to the effect of the system adopted in other parishes, from the moderation and good sense of both receivers and payers of tithes, there would, no doubt, be evinced throughout the country the strongest inclination to adopt the voluntary system. If government only said, "We will exempt the instrument by which all this is to be ratified from any pecuniary charge, we will exonerate from stamp duty those who avail themselves of the opportunity thus afforded,

but, that opportunity neglected, our indemnification will no longer be available," a sense of direct personal interest would greatly facilitate an immediate voluntary commutation. Considering the peculiar nature of tithes—considering not only the great variety of laws on the subject, but also the various circumstances affecting different parts of the country,—the variety of soil, the various ways in which different parishes were subject to that impost; some to rectorial, others to vicarial tithes, and some in which there were various recipients of tithes to different amounts, he could not help thinking this was precisely the case in which a voluntary agreement was most likely to succeed; and, so far as they could call in voluntary agreement as a substitute for law, no doubt a great advantage would be gained. If in future payers of tithes in any particular parish knew that the arrangement made had been come to by a voluntary agreement of both parties, under the superintendence of an impartial man, and that it had not been ratified till the superintending board in London had given their consent to it, he could not help thinking there would be a greater prospect of satisfaction with their award, than if a commissioner, according to the plan of the noble lord, in case voluntary commutation failed, should go down with his proposition of sixty or seventy-five per cent. The experience acquired by voluntary commutation would afford the best indication of what should be the best principle hereafter to be adopted. There might be some cases in which difficulties would present themselves to a voluntary commutation; but from an ample review of all those in which it had taken place, it would be easy to extract a much more satisfactory principle to regulate compulsory commutation, than could well be devised in total ignorance of the subject after only six months being allowed for voluntary commutation. The noble lord said, he wished every parish to be placed on the same footing, and that hereafter one should not be able to say it was placed on a different footing from its neighbours; but that would by no means be the case. One parish would have to pay only £60, while another, perhaps the immediately contiguous one, was paying £75 per cent, not with respect to the actual value of the tithes, but founded on the payments for the last seven years, and dependent in a great degree on the forbearance of the clergy. The object of the noble lord being to secure uniformity as far as possible, equality of payments, on account of tithe in every place where voluntary commutation was not effected, his own bill would defeat that intention, and present in parishes in immediate juxtaposition a different amount of payment on account of tithe. Whatever plan was to be adopted on this subject, which was so extremely complicated, would be best recommended by simplicity. There were many points connected with the noble lord's plan, which, he feared, had not been sufficiently explained to make it perfectly intelligible to the House; and probably it could not be well understood until the bill itself were present; but if, on seeing that bill, there should appear great practical difficulty in the way of the adoption of a compulsory principle, or if there should appear to the House good reason to believe, that the experience of an attempt at voluntary commutation would supply much most valuable information how the compulsory principle might be best applied, he hoped he might be permitted to bring in his bill, so that if, after proceeding a certain way, difficulties were found to present themselves in the noble lord's plan, the House, without reference to party distinctions, would not feel indisposed to make, this session, a fair experiment on the principle of voluntary commutation.

Leave given to bring in the bill.

## CONSTABULARY OF IRELAND.

FEBRUARY 18, 1836.

Lord Morpeth having moved for leave to bring in a Bill to amend the Acts relating to the Constabulary of Ireland:—

SIR ROBERT PEEL rose principally for the purpose of confirming, which he did with great satisfaction, the testimony which was borne by the noble lord (Russell) to the high character and great military reputation of Colonel Shaw Kennedy. His first communication with Colonel Shaw was at a time when he had no personal acquaintance with him whatever; although he knew that he was distinguished in

the highest degree for his gallantry in the field, and remembered that he had superintended the whole of the extensive arrangements which it was necessary to make on the return of the British army of occupation from France. On that occasion, too, he recollected that Colonel Shaw had exhibited so nice a power of arrangement, and so ready a talent of combination, as greatly to add to the military reputation he had previously acquired. Aware of these high qualities, when the police force in the metropolis was constituted, the first person to whom he applied to undertake its direction and control was Colonel Shaw. The regret which he felt at Colonel Shaw's declining the appointment was greatly mitigated by the acceptance of the same office by the gallant officer, who now, in conjunction with Mr. Mayne, superintended the constabulary police force in the metropolis. It was, however, with the utmost satisfaction that he now heard from the noble lord that Colonel Shaw was likely to accept the command of the police force in Ireland. He would venture to say, that no man could be found who would execute all the duties of that important trust with greater impartiality, or with more complete freedom from all party feeling. He, however, would suggest, that when appointed to the head of the force, Colonel Shaw should have the appointment of all the officers employed under him, and for whose conduct he was responsible. He believed it to be of the highest importance that the police force in Ireland should be kept perfectly free from the influence of party animosity and party excitement. The appointment of police officers, therefore, was a trust which, if honestly administered, he thought had better be intrusted to the hands of the representative of the Crown than to any local authority. But he made that admission on the assumption that the trust was to be administered with perfect honesty. If it were otherwise—if the power conferred by the trust were perverted to other purposes, and were employed to gratify party animosities, or to confirm political advantages, then he should say the efficiency of the bill would be totally destroyed. He thought that the noble lord should adopt the same rule in Ireland as had already been adopted in the metropolis, and that those who were responsible for the good conduct of the men should have the appointment of them; and that the government ought in no case to interfere in the nomination of officers for the purpose of gratifying any of its political friends. If Colonel Shaw were to be appointed to the head of the force, let him have the nomination of the men; and if he (Sir R. Peel) knew any thing of that gallant officer, he would undertake to say, that he would exercise the power thus confided to him with honesty and discretion, and that, in a much less time than could otherwise be hoped for, a well-disciplined and efficient police force would be established in Ireland. And he felt bound to say, with great deference to the opinions of his hon. friend, who had taken a different view of the subject, that he thought if the police force in Ireland were appointed and directed upon this principle, there would be a much stronger guarantee for its sufficiency, and freedom from all local and party prejudices, than could possibly be the case if the appointment of the men of whom it was to be composed were intrusted to the local authorities. Therefore, he was not unfriendly to the principle of the present bill, always assuming that the powers to be intrusted to the Lord-lieutenant should be exercised with impartiality, and for no other purpose than that of improving the police force. But the principle of the bill, good as it was, was of more extensive application than to the mere improvement of the police force. Suppose he (Sir Robert Peel) had been asked, upon the first day of the present session, to agree to an address to the Crown, pledging him to apply precisely the same principles to the administration of justice, or to the formation of a constabulary force in Ireland, as were known to exist in England—supposing that he had said, “Do not ask me on the first day of the session to give such a pledge; there may be peculiarities in the state of society in Ireland which call for the application of a different system, and which may render it right or necessary to place the whole power of the police in the hands of his Majesty's government. As a general principle, it may be right not to transfer such a power from the hands of local authorities to those of the King's Secretary of State; but there may be such peculiarities in the state of Ireland, in the state of the population, in the state of property; above all, in the unfortunate state of religious animosities, which make it better to trust the representative of the Crown, than to allow the power to remain in the hands of the local authorities, however respectable.” Suppose,

having such an argument in his mind, he had said he would not give the pledge required of him—suppose, although most anxious to administer justice in Ireland on the same principles of impartiality as in England, he had said, that he doubted whether he should effect that object by pledging himself to apply precisely the same principles to a totally different state of things—suppose he had said, with the hon. and learned member for Dublin, “Beware of local animosities and jealousies—beware of village partialities—do not trust local authorities—do not trust irresponsible bodies. Place these appointments in the hands of the Lord-lieutenant of Ireland. If he abuse them, he is more tangible than any local authority.” He admitted the justice of the principle on which the bill proceeded; but if that principle were good for the police of the country, why was it not equally good for the police of the town? And why, because it might be fitting to intrust the appointment of the municipal police to the corporate authorities in England, why might it not follow, or why might they not choose to subscribe at once to the inference, that therefore it should be good to place the same power in the same local and irresponsible bodies in Ireland? He found, therefore, in the speech of the noble lord, the Secretary of State for the Home Department, and also in that of the hon. and learned member for Dublin, a complete vindication of the justice of the course which he had pursued in the first night of the present session, and in which he was joined by a powerful minority of the House. The amendment he then moved to the address was founded on this principle, that whilst he was prepared to concede to Ireland the absolute right of having impartiality in the administration of justice secured to her, yet he desired that he might not be fettered by a pledge that he would apply the same principles which had been adopted here to another part of the empire, whose society was differently constituted, and whose circumstances were by no means the same.

Leave given to bring in the bill.

## COMMUTATION OF TITHES (ENGLAND.)

FEBRUARY 22, 1836.

In the debate on the motion for the second reading of this bill—

SIR ROBERT PEEL said, that the House were to consider whether there had been such a *prima facie* case made out in favour of the principle of the bill as would warrant them in permitting it to be read a second time. Its leading principle was, that in certain circumstances compulsion might be admitted. To that he did not object, provided it was arranged upon principles perfectly just and equitable towards both the landowner and the tenant. In the course of the bill's progress through the committee, the hon. gentleman opposite would have the power of fulfilling the declaration he had made, and of moving an amendment to the effect that one-tenth of the gross produce should in every case be taken from the occupying tenant, since it appeared that nothing less would satisfy him—that no deduction from the amount of the sum which in strictness of law the occupying tenant should pay, would satisfy him. The hon. gentleman also proposed that a portion should be set apart for public purposes; but, even with that appropriation, he doubted whether the measure would give satisfaction to the occupying tenant. He had listened to the lucid speech of his Majesty's solicitor-general, but he could not say that the argument it contained was so conclusive to his mind as to induce him to join in the unqualified panegyric passed on the bill by the hon. gentleman. He would, however, give his consent to the second reading of the bill; when it reached the committee, he should facilitate, by any suggestions which occurred to him, the passing of the bill, upon principles which should appear to him fair and reasonable. The argument of the hon. and learned gentleman (Mr. Harvey) was fatal to any attempt at a commutation of tithes upon any principle whatever, and he must say he never heard reflections more unjust than those thrown out by the hon. member against the landowners who had seats in that House, merely because they were willing to consider the subject freely, with a view to attempt a satisfactory settlement of this intricate question. As to whether 75 or 60 per cent. were a proper sum to adopt as a *maximum* or *minimum*, he would give no opinion whatever, and, should he see grounds for coming to a different conclusion, it would be perfectly competent for him to propose the adoption of

any other sum in committee. The hon. and learned member opposite (the solicitor-general) had stated that the bill included the two principles of voluntary agreement and compulsion, and seemed surprised that any objection should be taken against a measure which combined both. Now, there might be cases in which voluntary agreement might be proper, and cases in which compulsory agreement might be proper; but it did not follow that a bill which united both should receive unqualified assent. The hon. gentleman said, that the bill which he had formerly proposed must fail upon this account—that the prospect of voluntary settlement held out by it was so vague, that it must necessarily prevent the question from being speedily set at rest. Now, he had said nothing whatever against the ultimate adoption of the principle of compulsion; but what he did say was this,—he thought when they came to apply that principle, the experience they would have then gained, by the previous attempts to effect a voluntary agreement, would suggest better principles of compulsion than they could at first lay down. He believed, the peculiarities of various parishes, with respect to tithe, to be so great, that it was difficult to prescribe in what cases the principle of compulsion could be with advantage applied; but expecting, as he had expected, that there would be many cases of voluntary agreement under the bill which he had introduced, if he did not define at first the principle of compulsion to which he meant to have recourse, it was because he thought that they might afterwards discover those principles which would be most consistent with equity, and most suit the infinite variety of complicated cases they would have to consider. The noble lord said, that this bill first allowed a voluntary agreement, at the option of the parties interested, and then, in the event of that being rejected, made the commutation compulsory. Now, could the noble lord show him any case in which there could be a voluntary agreement under this bill? The compulsory principle was to come into operation at the end of six months. Certainly this arrangement would favour one of the two parties, the tithe-owner or the tithe-payer. Why should either seek to come to a voluntary agreement when he knew that in six months another principle would be enforced which would be attended with results much more profitable to him? How very improbable, then, that the voluntary principle would be adopted in precisely the same terms as those laid down by the bill. If a compulsory settlement were effected, one party would be benefited at the expense of the other; how, then, could they be expected to consent to a voluntary settlement? So far from the compulsory principle being likely to lead to a satisfactory adjustment, if the principle to be eventually applied were uncertain, that very uncertainty would be much more likely to lead to a voluntary adjustment in the mean time. The next proposal which the bill made was, that there should be parochial agreements, and that the consent of a certain proportion of the tithe-holders should bind the rest. In his opinion this was the best part of the bill. That failing, the main principle of the bill, that of compulsion, was next to be applied. This part of the bill, though far the most important one, he did not exactly understand. He thought the object of the noble lord had been to provide some principle by which, ultimately, the payment of tithe would be abolished. But that object it was impossible the present measure should effect. The bill did not, strictly speaking, apply compulsion. After six months have elapsed, the commissioners would not be entitled to proceed, unless there should be an application from some party in the parish. Should this not be made, the tithes would remain precisely upon their present footing. He confessed he thought the noble lord meant, that upon an application from a certain number of inhabitants, possessing the greater part of the tithe property, the commissioners should be authorized to proceed to the valuation of the tithe upon whatever principles they might agree to adopt. But the plan of the bill was this:—After the expiration of six months, if no voluntary agreement, and no parochial agreement, in consequence of the decision of the majority, should be effected, the powers of the commissioners would then come into operation. And in what manner? Any landowner might write to the commissioners and require, not a compulsion for the whole parish, but a compulsory arrangement for his individual holding in it. The parish might consist of 10,000 acres, and any man holding a single acre might apply for a compulsion to it. So that, though he admitted he was supposing an extreme case, it might be that this principle of compulsion might be applied only to a single acre. Supposing half the parish agreed in applying to the commissioners, in



that case the principle of compulsion might be employed with effect. There might be proprietors in a parish whose land, now subject to a corn tithe, had not been arable for the last six or seven years. The tithe-owner would then apply to the commissioners to have the compulsory principle applied, and would select the cases in which it would be for his interest to obtain it. But what confusion and disputes would arise from these applications of individual landholders! It would be infinitely better, if the noble lord had determined what proportion of the holders of land interested in tithe should have had the power of obtaining from the commissioners the application of the compulsory principle to the parish. But the case of selecting individual landholders, and applying it to each, did appear to him to be introducing into each parish an anomaly in tithe, and he feared that, instead of reconciling conflicting opinions, it would lead to greater animosities than before. In every instance in which the award of the commissioners was objected to—in every case there must be a valuation of tithe, a just principle in itself; but did the noble lord consider what the difficulty would be in the great majority of cases of compulsion? How could the gross amount of tithe paid within the last seven years be discovered? If it had not been paid in kind, there might be a record; but where this had been the custom, he did not see how they could proceed to determine its gross value for that period. In order to form a just valuation, the commissioners must know the nature of the crop of every year, the produce of the land; and if their decision were not in conformity with justice, their award must necessarily produce great dissatisfaction in the parties subject to it. In every case where the award was not satisfactory, he did not see how the noble lord proposed to ascertain the value of the tithe on an acre of land during the last seven years. These were the principal doubts he entertained with respect to the measure before the House, which might be removed on further application and further inquiry, but of which, some hon. members having already alluded to them, he had not yet heard any satisfactory solution. He advised the noble lord not to be too sanguine that his measure would meet with universal approbation. The extreme difficulty there was in coming to a satisfactory settlement of this question, induced them to receive with favour any attempt to overcome these obstacles made in the spirit of fairness. The measure before them had at first appeared to him exceedingly plausible, but when he came to examine it minutely, defects presented themselves that had escaped a more cursory observation. For instance, with regard to the power of levying tithe in kind for non-payment of tithe as the landowner possesses the right of distress for non-payment of rent, since the former right was not affected by this bill, the liberty of levying tithes in kind might be continued for a long series of years. The bill had, in the course of the debate, been denounced by some hon. members as the Clergyman's Bill, by others as the Landowners', and he confessed he heard the first objection with much more satisfaction. He did hope that no bill would receive the assent of that House which did not render full justice, in every particular, to the rights of the clergy. It would be not only inconsistent with justice, but also detrimental to the honour and character of parliament, if this bill passed without containing some such provision as that which he had just recommended. Considering our peculiar situation as landlords, and also considering that the parties interested are the clergy, who have no direct representatives amongst us, it is required, no less by a due sense of our own interests, than by a proper regard to the protection of the rights and privileges of the clergy, that we should not appear to sanction any principle which we are not satisfied is consistent with justice. To require the whole 100 per cent. for the Church would be an insuperable bar to any commutation whatever. He had no hesitation in declaring that a fair deduction from the nominal amount of tithe must be made, for it was evident that to exact the whole 100 per cent. would be unjust both to the landlord and to the occupying tenant. He did not wish to have it understood thereby that he meant to agree entirely to the proportion fixed by the noble lord. As he said before, he would not oppose any objection to the principle of the measure, but would hold himself at liberty to modify it hereafter, as might seem most desirable to his sense of justice; for the main consideration by which he was actuated was a desire to satisfy the Church and the country that, in attempting the commutation of tithe, the House did not intend in any way to affect the interests of the clergy.

The bill was read a second time.

## ORANGE LODGES.

FEBRUARY 23, 1836.

Mr. Hume brought forward the subject of Orange Lodges, and moved a series of resolutions with a view to their suppression.

Lord John Russell moved as an amendment, "That an humble Address be presented to his Majesty, praying that his Majesty will take effectual measures for the discouragement of Orange Lodges, and of political societies generally."

SIR ROBERT PEEL said, that the refusal of the noble lord (Russell) to comply with the request of his noble friend (Lord Stanley), would not alter the tone and temper of the few observations he should make. He was sure that it would be for the tranquillity of Ireland that an end should be put to all secret societies in that country. The existence of any of them was an evil, inasmuch as it held out a bad example to others. His opinion and his wish were, not only that an end should be put to all such associations, but he also wished to see the spirit in which they originated entirely and effectually suppressed. If the spirit remained, they would gain little by the suppression of its external forms. But he did regret that the noble lord should not have given way to the suggestion of the noble lord's friend (Lord Stanley); for he owned that, though he was prepared to assent to the noble lord's amendment, it was not without great sacrifice of opinion. He objected to proceeding by resolution; he thought they ought to indicate the will of the legislature by a law rather than by a resolution of one branch of it. They ought studiously to avoid a course by which a dominant majority of that House could denounce any party. They should be cautious in denouncing by a majority of that House any proceedings of any bodies, which, though they might be objectionable in many respects, might still not be against any law of the land. The resolutions of that House had no force except such as the prerogative of the Crown might give them; they had not the force of law, and this was the first time that he had heard of establishing the precedent of a resolution of that House, disqualifying for office on the alleged ground of conduct, the legality of which was at least questionable. However, he waived all those objections, for he perceived that all in that House were prepared to address the Crown to put an end to all secret societies. Independently of his own feeling on the subject, he objected to the words which had been used, that Orange Societies were illegal. The hon. baronet who had seconded the resolution, had declared that all those societies were contrary to the law of the land, and added that the Attorney-general had nothing to do but to institute prosecutions, in order to have them so declared by the courts of law. Now, if that was so, it was a powerful objection to this resolution, because if they believed that the members of Orange societies ought to be prosecuted, and were amenable to the law, they ought not to send them to trial loaded with the declared opinion of that House as to their guilt. In fact, the only ground on which the resolution before the House proceeded was, that these societies were not contrary to law; the noble lord was, therefore, right in not sending them to another tribunal, for if the issue of such a trial should be a declaration of their legality, the noble lord would find it much more difficult to put them down on a future occasion. If, then, there was a doubt as to the illegality of those societies, that was a reason why they should not be specifically mentioned in the resolution. It was not, as he had before said, to the mere Orange lodges that he objected, but to the spirit in which they had originated. He admitted that the words of the resolution did virtually include Orange lodges, even without naming them; and he saw no advantage which they could gain by those societies being specifically mentioned. The acquiescence of that (the opposition) side in the resolution of the noble lord, was not that of a reluctant minority; they had come to the House prepared to acquiesce in a resolution couched in nearly the same words as that of the noble lord. They had not expected his amendment; they were prepared to oppose the criminatory resolution of the hon. member for Middlesex; but when they heard the expressed declaration of many hon. members, that they were prepared to give up all connection with such associations, on hearing an expression of the will of the Crown to that effect, they thought that the object of that House, and of the government, would be sufficiently answered by the resolution which an hon. member (Mr. Wilson Patten) had expressed his intention of moving, which was, that an humble

address be presented to his Majesty, praying that his Majesty might be graciously pleased to take such steps as to his Majesty might seem most desirable, to discountenance all secret societies, having secret signs, and excluding persons on account of differences in religious sentiments. This was the address to which they were prepared to agree, before they knew the course which the noble lord intended to take; and, after what had been stated by hon. members at that (the opposition) side of the House, he thought the most effectual mode of suppressing secret societies would be, by withdrawing words which were found offensive to those from whose example and influence they might expect co-operation in their great object. That great object was to restore tranquillity to Ireland. His hon. and gallant friends on that side were disposed to make a great sacrifice of their opinions for that purpose. They expressed their readiness, not only to withdraw themselves from those associations, but to induce all others over whom they had any influence to follow their example. It would, therefore, be prudent and politic in the House not to awaken the influence of those from whom they had reason to expect such co-operation. In conclusion, he felt bound to observe, that after what he had heard of the intention of his hon. and gallant friends to co-operate with them in their views—after what he had heard of the sacrifices they were willing to make of their prejudices and feelings—he thought it incumbent on the House not to allow any word to remain in the resolution to wound the sensibility of any one hon. member. If those hon. members who objected to the wording of the resolution as proposed by the noble lord, did not choose to press their objection, they might save the House a division; but if they did, he felt that, after the declarations they had made, he could not abandon them. He must, therefore, vote with him.

Lord John Russell's resolution was agreed to.

## AFFAIRS OF SPAIN.

FEBRUARY 26, 1836.

Mr. Maclean, in a masterly speech, brought before the House the subject of our intervention in the affairs of Spain, and moved, "That the papers which the noble lord, the Secretary of State for Foreign Affairs, intimated his intention of bringing forward on a former occasion, be laid on the table of the House."

Rising after Viscount Palmerston,—

SIR ROBERT PEEL remarked, that the noble lord began his speech by a facetious allusion to the surprise which a stranger suddenly spirited into that House would feel at hearing the present discussion, after having observed the anxiety with which the motion was pressed forward. But what proof does the noble lord advance of the probable surprise that would be felt by the stranger? Why, this: that a debate, involving important questions of foreign policy, had been suffered to take precedence of a debate on some matters relating to the Municipal Corporation of Poole. If that stranger was a person who took no interest in any other subject, and was entirely engrossed by the question of Corporation Reform, I might possibly be able to understand his astonishment; but to suppose that the stranger would feel surprise that, after a month since the assembling of parliament, an humble member should think it right to call the attention of the House to an important subject of foreign policy, is to suppose such stranger more grossly ignorant than I would be willing to suppose any stranger of common sense to be. The noble lord says, that the stranger would feel surprise at the anxiety that there was manifested to press this discussion; but if the stranger were made acquainted with our forms, he would see that this discussion did not arise on the proposition of my hon. friend, but on the noble lord's opposite, and if the stranger were impartial, he must acquit my hon. friend; for though the noble lord, as well as myself, was absent from the House last night, yet his duties as leader of the House must make him perfectly aware of what occurs, and the public must have been fully acquainted with what had taken place. The noble lord (Lord J. Russell) was the person who moved that the Order of the Day for the House going into Committee of Supply be read, and he certainly could not have done so for the purpose of postponing the present motion, but, on the contrary, for the express purpose of inviting this discussion,

of which repeated notice had been given, and to which allusion was made at the time; and it was not until the hon. member for Poole reminded the noble lord of the adjourned debate on his motion, that the noble lord interfered. The hon. member for St. Alban's has expressed some surprise that his hon. friend has not brought forward his motion in the shape of a specific resolution, as the motion involves a censure upon the government. But if he refers to the practice of this House, both in ancient and modern times, he will find that it has always been considered a most convenient and proper time to enter upon discussions of this nature when the House is about to go into a Committee of Supply. The hon. gentleman will find that in some of the most recent periods, as well as at various periods of the history of parliament, some of the most important discussions on questions of foreign as well as of domestic policy have taken place on the motion for going into Committee of Supply. We are now about to vote the Ordnance Estimates, and I certainly do not think that there could be a more proper occasion for such a motion as the present to come before the House. I find in this printed paper a statement of all the stores that have been furnished for the service of the Queen of Spain. I do not want to go into any question as to whether the government were bound to furnish those supplies or not. On that subject there can be no altercation. Government were certainly bound to furnish those supplies, and the first part of them was furnished last year by the government over which I had the honour to preside. But it is quite another question to consider the extent to which those supplies should be furnished. I hold in my hand a paper containing the following statement of the supplies that have been furnished. I am surprised to see the hon. member for Middlesex reposing whilst a question of this particular nature is under discussion. [Mr. Hume (rousing)—I was sent to sleep by your speaking half an hour to little purpose.] The hon. member tells me that I have been speaking very little to the purpose for the last half hour. Now, the fact happens to be that I have not been upon my legs for more than the last five minutes, so that for the other twenty-five minutes of dulness and inapplicable reasoning it is not I but the noble lord opposite who is answerable. I thought when I was adverting to the Ordnance Estimates, that I touched a chord to which the hon. member for Middlesex would respond. I own I did not expect the hon. member's attention to any general observations on a question of foreign policy; but I hoped, without intending to be guilty of any unfairness, to waken the attention of the hon. member when I talked of a Vote of Supply. The Order of the Day is a Vote of Supply on the Ordnance Estimates; and here I may notice that this is the first time in my experience in which the vote for the supply of the Ordnance has preceded the vote either for the army or the navy. The Order of the Day being, as I said before, a Vote of Supply for the Ordnance, nothing could be more appropriate, or indeed more germane to the matter, than that those who doubt the policy of the course which the government is pursuing, should invite a debate on our interference in the affairs of Spain. The right hon. baronet read the items of the Ordnance Estimates to which he had alluded, from which it appeared that 220,000 muskets, 10,000 swords, 10,000 carbines, 3,000 rifles, 3,000,000 cartridges, 900,000 lbs. of powder, with a number of guns, besides the articles furnished to the Auxiliary Legion, constituting a large supply of military stores, were sent to the assistance of the Queen of Spain. The value of those stores was £386,777, of which not a single farthing has been received by the Ordnance Department. Now (continued the right hon. baronet), admitting that such an expenditure could be justified as consistent with sound policy, that this country should be put to an expense of nearly £400,000, without a satisfactory proof that such an expenditure would be made good to this country—now, did not this justify my hon. friend, if there were nothing more, in bringing forward his motion? The noble lord, in the course of his speech, referring to an argument used in the course of the debate, has talked of the impartiality of fogs. I confess I never heard a speech to possess more of the effect of fog than the speech of the noble lord, for under the veil of its obscurity he has been enabled to withdraw from the chief points of the discussion. The question is, whether it was just to interfere in a civil contest—a contest for the succession to the throne of Spain. To enter upon that question, it is necessary to consider the whole policy of the Quadruple Alliance. That treaty, Sir, I admit, having been once ratified, must in all its articles be to the letter ful-

filled. It is the bounden obligation of every government of this country—they are bound in duty and in honour—to fulfil the treaty. No government would be warranted by any technical objection whatsoever to found thereon a non-acquiescence with the articles of that treaty; but neither should any government, through political motives, go beyond those articles. No matter what party might hold the reins of government in this country, they are bound by honour even more stringent than written law to adhere to the treaty. Sir, in accordance with that treaty the late government did advance arms and ammunition to the Queen of Spain, nor did it seek immediate payment for the stores thus advanced. But the noble lord opposite has laid down principles of intervention more extensive than ever yet were attempted to be upheld by any party in this country. Sir, if the principle of the noble lord were once to be generally adopted, it would justify the intervention of any government which might think proper to interfere with the internal relations of any other country, that government constituting itself the judge of the necessity for such interference. The noble lord says, that it is the duty and the interest of a free government to interfere for the advancement of free institutions. Why, Sir, the very same argument might be advanced by despotic powers desirous of suppressing the nascent principles of freedom, and of crushing states which sought to establish more popular forms of government. Prussia or Austria, for instance, might allege, “Our interests are opposed to the establishment of democracy, or to the maintenance of popular government, in the neighbourhood of our territories; and on the same principle on which England, possessing a popular government, and a free constitution, has interfered in Spain to secure the establishment of a similar political system in that country, do we justify ourselves in promoting a system of despotism, and in crushing the first attempts to establish a just and rational liberty.” It was quite beside the question to enter, as the noble lord had done, into a consideration of the policy of the Quadruple Alliance. With equal facetiousness the noble lord upbraided my hon. and learned friend for having allowed so much time to elapse without calling the attention of parliament to the order in council relaxing the foreign enlistment act. My hon. and learned friend was reproached with having taken six or eight months for deliberation. I must, however, remind the House, that when the noble lord last appeared upon the stage as the defender of that order in council, he appeared not only in the character of a logician, but also in that of a prophet. The present object of my hon. and learned friend is not to show that the ratiocinations of the noble lord were illogical, but that his prophecies had not been fulfilled, and it was necessary that there should be some lapse of time to contradict the noble lord's predictions. The noble lord's arguments were all answered and refuted at the time. The only advantage which the noble lord obtained, if indeed he obtained any, was derived from his being in possession of official communications, which could not be in the possession of hon. gentlemen on his side the House. From the implicit reliance with which the noble lord appeared to rest on those communications, and from the confident tone in which the noble lord then spoke, I certainly entertained hopes that the contest in Spain would have been terminated, and that the British Legion would have returned home before this time. The noble lord complained that great disparagement had been very unjustly cast upon the British Legion, and upon its gallant commander, Colonel Evans. I have not heard one word uttered in this House derogating either from the character or the gallantry of Colonel Evans. Neither have I been any party to the aspersions which have been thrown upon the soldiers under his command. Whatever may be the cause in which they are embarked, it is impossible for me not to feel a deep sympathy in the fate of a large body of my fellow-countrymen engaged in a foreign land in the support of a cause which they deem to be in accordance with their principles. With regard to the British Legion, though it is not in our service, though it is commanded by those from whom we on this side of the House dissented widely on political questions, the noble lord may be assured that he will not hear one word from us in disparagement of our fellow-countrymen who compose it—that he will not hear one expression of doubt as to their maintaining the honour of the British name—that he will not hear one reflection cast upon their gallantry and courage. Suppose that they fail; suppose that sickness and privations have thinned their ranks; suppose that want of discipline has prevented their energies from being perfectly effective; suppose that the rivalry

of foreign commanders has impeded the display of their native gallantry—is that any reflection on them? No; but it is a reflection upon those who have committed them unnecessarily in the struggle, and who have committed along with them the name of the British nation and the honour of the British character. If the Quadruple Treaty requires that a foreign expedition should be sent from this country to Spain, that I admit would be a sufficient justification for the government in sending it forth; but I contend that, by the Quadruple Treaty, no obligation is imposed upon us to interfere in the contest now waging in Spain by recalling the prohibition contained in the foreign enlistment act. The recall of that prohibition made us substantially a party in that contest. The noble lord admits that it did. Well, then, the Quadruple Treaty specified what we should contribute to the common cause. If that treaty required from us military intervention, the government is justified in using such intervention; but the question is, “Did that treaty impose on us the obligation to repeal the prohibition contained in the foreign enlistment act, by the exercise of the prerogative of the Crown in favour of one party?” If it did not, I am at liberty to question the policy of that repeal as much as if that treaty had never existed. I freely admit to the noble lord that we are bound by that treaty, but I am now inquiring whether a particular act, which we have committed, was required from us under it. The noble lord says it was; but that I am equally prepared to deny; and if my denial be founded on right principles, I have a right to question the policy of government. I remain, then, up to this moment, after all that I have heard from the noble lord, totally unconvinced that we are called upon by the Quadruple Treaty to permit an English army, not under the control of English officers appointed by the Crown, to go to Spain, as an auxiliary force. We have not taken—we cannot take any security for its success. This suggests another consideration—does the noble lord consider that the Quadruple Treaty requires from us still more coercive measures against Don Carlos, supposing the present measures to fail, as it appears probable that they will? The permission to enlist is not sufficient. We have already given the Spanish government permission to enlist 10,000 men in this kingdom; are we to give it permission to enlist 10,000 more? or are we to support the British soldiers now under General Evans by a more marked exhibition of the military vigour of England? You have begun by a grant of arms and ammunition; you have followed that up by permission to enlist in your dominions; are you prepared to go still further? The noble lord attempts again to carry us along with him, by giving us, as of old, the most flattering hopes of success; but how can we repose credit in them, knowing, as we all do, that we are in a worse position now than we were on the last occasion on which the noble lord dazzled our eyes with delusive visions of success? “But,” says the noble lord, “if you doubt our policy, you identify yourselves with the policy of Don Carlos.”—Sir, I do no such thing. I do with all my soul abominate and abjure the cruelties and excesses in which both parties in this sanguinary contest so wantonly indulge. I am not, I never have been, a partisan of Don Carlos. All I wish is, that we were not parties in this contest, and that we were not in our present painful position. “But,” says the noble lord, “have we not interfered elsewhere, and have we not interfered with success? We interfered in Greece, in Belgium, and in Portugal—and has not our interference been productive of good?” To this I reply—the case of Portugal is separate and distinct from all others. We stand to Portugal in a very different relation from that in which we stand to any other country. We are bound to that country by treaties of a very special nature, and our interference in the concerns of Portugal, either with a naval or a military force, rests upon grounds very different from any which exist between us and any other nation. I will ask the House to consider how we interfered in the case of Belgium. The noble lord said that we had interfered with the domestic concerns of Belgium. How? The inhabitants of Belgium, for reasons best known to themselves, refused to submit to the yoke of the King of Holland. After that refusal broke out into open resistance, a question might have arisen, whether, under treaties then in existence, we were not bound to protect the King of Holland in his rights or dominion over Belgium. Right or wrong, we declined to interfere. The right hon. member for Nottingham (Sir John Hobhouse) will recollect the case of Belgium well. Upon the opening of parliament, objection was taken to that part of the King’s speech which referred to the domestic affairs of Belgium. [Lord Palmerston: I did not use the expression domes-

tie affairs].—No? Why the whole question we are now discussing turns upon the right which one state claims to interfere with the domestic concerns of another. Don't I know that if you have a defensive alliance with another country, and that country is attacked by a third party, you may be called on, and if called on, you must interfere and assist it in that foreign quarrel? But is it a foreign quarrel in which the government of Spain now calls on you to interfere? The objection to our interference in Spain is, that we, professing principles of non-interference, except in a peculiar case of danger arising to ourselves from vicinage, or from the undue preponderance of a third party—the gravamen of the charge against us is, that we have undertaken, when there are two parties struggling for the succession to the Crown of Spain, to interfere in behalf of one of them, and to say that the claims of the inhabitants of the Basque provinces are not founded in justice. There never was a country in less danger from foreign aggression than Spain is at this moment. Portugal is friendly to her; France is friendly to her. If they were not, I would admit that our interference in her domestic concerns might be justified. The gravamen of the charge against us, I repeat, is this—that we, being interested in the establishment of free constitutions, have made ourselves parties in the domestic dissensions of Spain, by endeavouring to establish a free constitution there, in a way not justified by the Quadruple Treaty. For my own part, I doubt the ultimate result of the war which we are now assisting the Queen's government to carry on. If we succeed in establishing her dynasty by the assistance of a foreign force, I fear that we shall do little good. If the Queen's government cannot repress a mountain insurrection without the aid of a foreign force, I cannot bring myself to believe that a government which rests for support on foreign intervention can be permanently successful. Again, let us look to our interference, as it bears on the domestic policy of England. For my own part, I doubt the policy of letting a large force of British soldiers enter into the service of a foreign power in the way in which the British Legion has entered into the service of the Queen of Spain. If it is defeated, it injures the national character, and damps the national spirit. If, in consequence of that defeat, you increase its numbers, and raise it to 20,000 men, and if upon that increase its exertions become triumphant, and it returns to England flushed with feelings of victory, I will not conceal from you the apprehensions of danger which I entertain from your having two different armies in your dominions, both belonging to the same country, but connected with their officers by different ties. The right hon. baronet, after some other observations, which the lateness of the hour prevents us from reporting, concluded by declaring, that entertaining as he did the views which he had just declared respecting our foreign policy, he was compelled to object to the course adopted by the noble lord. He did not, however, feel himself justified in supporting a vote of censure against the government, but he did feel himself justified in demanding his right to be heard, whilst he questioned, on a vote of supply, the policy of his Majesty's government.

Motion acceded to.

## MUNICIPAL CORPORATIONS (IRELAND).

FEBRUARY 29, 1836.

On the question being put, “That this Bill be now read a second time,”—

SIR ROBERT PEEL was desirous to rise at that stage of the bill, and at that early period of the debate, in order that he might have an opportunity of laying before the House the views which, in common with many others, he entertained with respect to this important measure. He wished to speak at that early period of the discussion, in order that he might be enabled to present those views in a less disultory, in a more connected, in a more dispassionate manner, than he might be able to do if he were to rise at a later period of the debate, amid the excitement of political contention, and after the introduction of topics calculated, from their connection with party interests, to disturb a calm review of the abstract merits of any particular measure. He wished to rise at that stage of the bill for the purpose of presenting his views to the House at a period when it was not necessary to pronounce an immediate decision. Feeling

fully convinced of the justice of those views, and believing that their adoption would conduce to the impartial administration of justice, and the general good government of Ireland, he was most desirous that a final decision should not be pronounced till full opportunity for the most mature deliberation had been afforded. The matter under discussion was not one of merely local or municipal concern; it did not merely relate to the peculiar interests of certain communities in Ireland, but involved considerations of the utmost importance respecting the administration of justice, and the efficiency of the civil power; it had reference to many matters deeply affecting the feelings and interests of that country, and the permanent cause of general good government. Before noticing any parts of the speech of the right hon. gentleman opposite, which he would refer to as they occurred in connection with his own arguments, he would briefly allude to the general position of the corporations of Ireland. The right hon. gentleman had justly remarked, that the corporations now actually in existence there, amounted to about sixty in number. At the time the legislative Union between Great Britain and Ireland was effected, the number was ninety-five, but since that period it had been reduced, by the decay of several, to the present number of about sixty. The report of the commissioners who conducted the inquiry into Irish corporations, bore reference to two distinct eras. The first related to that portion of time which intervened between the reign of Henry II. and the accession of James I.; and the second, from the accession of the latter monarch to the present period. Of the ninety-five corporations which existed in Ireland at the period of the Union, eighty were governed by charters of a date subsequent to James I. In the statements which he was about to make, he should take for granted the accuracy, as to facts, of the report from which he quoted. Of the ninety-five corporations, eighty were governed by charters subsequent to James I.; of the other fifteen, four claimed to be governed by prescription, nine by charters earlier than James Ist, and two by statute. The right hon. gentleman had promised, in the beginning of his speech, that he would show that these Irish corporations were originally founded on enlarged and liberal principles of municipal government; but that promise he had not attempted to fulfil. Speaking of the period before James I.'s accession, it would indeed be rather difficult to prove that charters granted in that early period of Irish history were intended to support popular principles of municipal government. It would be much more consistent with the truth to describe them as mere outworks and defences for maintaining English authority amid a rude and hostile people. He believed that the learned member for Dublin had formerly contended that some corporations claimed to have been governed by prescription, at a period anterior to Henry II. The evidence in support of this claim was exceedingly slight and unsatisfactory, but the point was not one of much importance. The first charter granted by Henry II. was dated in 1772 or 1773, at Dublin, and was granted "to the men of Bristol, of his city of Dublin, to inherit and hold of him and his heirs, all liberties and free customs which the men of Bristol had at Bristol and through all his territory." The commissioners in their report admitted that the early charters gave no definition of who were to be members of the corporate body, nor prescribed how they were to be elected, and that it was difficult to point out with precision the rights to corporate franchise, as they existed in those ancient communities. The commissioners also stated, "That it would appear that at a very early period the right to claim admission as a member of the corporate body became subject to conditions and regulations, probably as its commercial value increased; and we cannot refer to any corporation created before the reign of James I. in which we have evidence, beyond what may be inferred from the terms of the charters as above alluded to, that mere inhabitancy, at least unconnected with the tenure of property, constituted a sufficient and recognised title to admission." So much for the charters granted previously to the accession of James I.; with respect to those granted subsequently to that accession, the right hon. gentleman had made a faint effort to prove that they were not, in point of fact, intended for the maintenance of protestant ascendancy. His own strong impression, from some acquaintance with Irish history, was, that forty-six or forty-seven of the charters granted by James I. and subsequently, had for their exclusive object the support of Protestant interests; and to remove all doubt on this head, he begged to refer the House to an authority more recent than that of Sir John Davies, an authority which the gentlemen opposite would respect, for it was to their



own commission that he should refer. Two members of that commission, Messrs. Moodie and Pigott, in their report upon the City of Londonderry, stated, that "in the year 1613, a parliament was assembled in Ireland after an interval of seven years, during which no parliament had sat, and during which seventeen new counties had been formed, and forty new boroughs had been created. The creation of these boroughs appears plainly to have been designed to increase in the new parliament the influence of the Crown, through the persons who had received those large possessions from its bounty, and to give to the settlers who formed the heads and free burgesses of the new corporation, or rather to the owner of the soil on which the borough was created, direct influence and power to the legislature. They were, in fact, close boroughs, exclusively Protestant, and sending into parliament a large body of new members, whose presence King James required to control the party then adverse to him, and possessing considerable power in the Irish House of Commons. These close boroughs continued, until the Union, the property of the landed proprietors on whose estates they were situated; and they were made the subjects of pecuniary compensation when the parliamentary patronage of them was abolished. "As far," say the commissioners, "as we are able to state, they were close corporations (except Derry and Coleraine), and were framed to exclude all influence but that of property." This description of Irish corporations, established during the reign of James I., was at direct variance with the statement of the Attorney-general, and with the preamble of his bill, which assumed, as it was convenient for his purpose to assume, that Irish corporations were all originally framed upon some enlightened principles of municipal government. It recited, "Whereas divers bodies corporate at sundry times have been constituted within the cities, towns, and boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed." Now if this preamble had made an exception in respect to near fifty corporations, and had recited that they were close boroughs, exclusively Protestant, and intended to be so, this would have been more consistent with the fact, and with the report of the commissioners, than that the object was to provide good government on enlightened principles for the corporations of Ireland.

The truth was, that this bill, whatever the right hon. member might say to the contrary, amounted to a complete extinction of the ancient corporate bodies in Ireland. If they looked at the original object for which the existing corporations were instituted, and the exclusive principles upon which they were founded—if they looked at the principles upon which the new bill was framed, the extensive constituencies to be called into operation by it, and the objects it was to achieve—if these were compared together, it would be wholly impossible to deny that the ancient corporate system in Ireland was marked out for entire and complete extinction, and that a new and totally different system of corporate government was erected on the ruins. It was mere affectation in the right hon. gentleman to deny it. What said the bill? "That so much of all laws, statutes, and usages, and so much of all royal and other charters, grants, and letters-patent, rules, orders, and directions, now in force relating to the several boroughs named in the schedules A. B. and C., or to the inhabitants thereof, or to the several bodies, or reputed or late bodies corporate named in the said schedules, as are inconsistent with or contrary to the provisions of this Act, shall be, and the same are hereby repealed and annulled." What single law, statute, or usage now in force, was consistent with the provisions of this Act? Not one. All, therefore, would be swept away, and for the right hon. gentleman who presented this bill of forfeiture and extinction, gravely to get up and profess a holy reverence for ancient institutions, and a horror at the destructives who should contemplate their extinction, was sheer affectation and mockery. Oh no! the House will not be deceived by this pretended respect for ancient rights and franchises. It will feel that the extinction of the old corporations by the new bill was quite complete; and whether the right hon. gentleman erected his own system upon their ruins, or annihilated the former system without providing a substitute, the destruction in each case was the same—as effectual as could be; there would be no more connection or analogy between the old corporate bodies and the new, than between the present departmental system of government in France, and the old divisions of that country into provinces.

At the same time he did not deny the necessity of an extensive change in the system of local government in Ireland. The question is, how shall that change be

effected? Shall we attempt, by partial modifications, to reform the existing corporations—or shall we extinguish them altogether—or shall we assent to the plan of the right hon. gentleman? If we dissent from it, and extinguish the corporations, how shall we provide for the performance of the necessary municipal function? These were the practical points for consideration. For himself he had never thought it possible to amend the corporate system of Ireland as it exists at present; nor should he advise a partial modification for the purpose of propping up a system which was radically bad. They might enlarge the number of freemen, or make new regulations in respect to the admission of freemen, and cure some of the evils which were inherent in the present system; still they could not, in his opinion, overcome by such means the grave objections which applied in principle to the continuance of that system, even modified by these slight alterations. A system which presented so limited a number as but 13,000 corporators out of a borough population of 900,000, was too exclusive in respect to number. The basis was not sufficiently wide. Super-added to this was the consideration, that the corporators were almost entirely of one form of religious faith. Political feelings were thus unavoidably mixed up with the administration of justice; and even though that administration of justice might be perfectly pure, still the suspicion of partiality precluded satisfaction with the awards of those who were looked on as political partisans. He had listened with attention to the objections made by the right hon. gentleman to the present municipal system, and to many of them he assented. One of these related to the misapplication of corporate funds. He was as unwilling as the right hon. gentleman could be, to connect himself, or the party with whom he had the honour and satisfaction to act, with the sanction of any such abuses. As to the facts stated, he had not the same means as the right hon. gentleman of ascertaining whether they were in every point well-founded. He had no hesitation in saying, that where abuse of such funds existed, or where there was a possibility of its occurrence, that the abuse ought to be corrected, and security taken against the future repetition of it. He was persuaded that the original intention of the granters of corporate property must have been, that it should be applied to the public benefit, and not be perverted to private advantage. He had no hesitation in saying further, that there were other and more comprehensive grounds on which he could not advise the maintenance of the existing corporate system in Ireland, or any partial modifications of it. He considered the system inconsistent with the principles and fair legitimate consequences of the act of 1829. That act established, in respect to civil offices, a perfect equality among all classes of his Majesty's subjects. The object of that act was to make civil worth the test of qualifications for office, and not religious faith; and if there were a system which deprived a Roman Catholic of free access to corporate privileges, and conferred such privileges on others, simply because they professed the established religion, he cared not whether that distinction were established by the operation of a particular law, or existed practically and almost universally without being enjoined by law, he was of opinion, that it was at variance with the principle of the act of 1829, and ought to be put an end to. If this reasoning were admitted, they must come to the conclusion, that it would not be wise to amend in order to continue such a system. The next consideration, then, which demanded their attention, was, the nature of that system of local government which should be proposed in lieu of the present; and he trusted the House would give him its indulgence while he stated his views on the subject. He would first examine the plan proposed by the right hon. gentleman. If he should mistake any part of that plan, the right hon. gentleman would have the goodness to correct him. He certainly should not misstate any part of it intentionally. After providing for the demolition of the existing corporations, the bill went on expressly, and by name, to provide for the government of fifty-four towns; and to forty-seven of these it gave a household franchise of £5. In point of population, it descended exceedingly low; for in the town of Middleton, with a population of 2,034; and of Belturbet, with a population of 2,026, it established a local government, consisting of a mayor, four aldermen, and twelve town councillors. All this cumbersome and not inexpensive machinery for towns with a population of only 2,000! The bill also gave to the Lord-lieutenant a power of applying the provisions of the bill to any town in Ireland he pleased to select, without any necessary reference to its population. The bill also contained a provision—a most extraordinary one—a provision which, like many

others in the bill, varied not only in words, but in substance, most importantly from the corresponding provisions of the English bill. The English bill provided, that if the inhabitant householders of a town petitioned the King to grant them a corporation, the King shall be at liberty to do so, and the Irish Corporation Bill of 1835 contained a similar clause. But, under the present bill, any of the inhabitant householders of a town might invoke the Lord-lieutenant to grant them a corporation; and his lordship was empowered to do so without reference to the number of petitioners. Why this marked departure from the English bill, unless it be intended to extend the new corporations in Ireland indefinitely? The right hon. gentleman said, that the object of the government is, by means of this bill, to call one uniform system into operation in all the corporate towns in Ireland. Be it so; but where was the necessity for encumbering towns like the two which he had mentioned—towns the population of which did not exceed 2000—with such a ponderous instrument for managing their domestic concerns? He admitted that these two towns had nominally corporations at present, but there was nothing in their constitution, or in the circumstances of the towns, so peculiar as to call for the establishment of new corporate authorities on the extinction of the old ones. There were many towns which now had corporations, to which it was not intended to give new corporations. The bill had not adopted the rule that every town having a corporation should continue to have one; the rule the bill apparently adopted was, that towns now being corporate, and having more than 2000 inhabitants, should continue to have corporations. But, surely, the main point to be considered was, whether a corporation was or was not a benefit to a small town? If a benefit, why limit it to towns which happen to be now corporate? If an evil, why inflict it on them because they are corporate? The bill must assume that a corporation is, in the abstract, a benefit to a town which has 2000 inhabitants, and this assumption must be considered a rule to guide the Lord-lieutenant in the exercise of the discretion given him by the bill. The House of Commons would virtually, by this bill, declare that 2000 inhabitants constituted a proper limit, and that towns with a population above 2000, ought to have corporations. He had ascertained that there were 126 towns in Ireland, with populations consisting of 2000 and upwards; he had, therefore, full right to infer, that the *minimum* of incorporated towns would be 126. On the *maximum* on the increase of the number of corporations there was no limit. If any town having 1000 inhabitants, for instance, petitioned the Lord-lieutenant to be incorporated, he was not bound to comply with that petition, but he would have a perfect right to comply with the petition if he chose. If, however, the inhabitants were more than 2000, looking to the principles of this bill, and to the rule laid down by it, such town would have a fair right to expect that the Lord-lieutenant, acting on the principles laid down by the bill, would grant them a corporation. Each of these corporations, so constituted, was to have the power of making by-laws—such by-laws as to them should seem meet for the good rule and government of the town. Those by-laws would require the sanction of the Lord-lieutenant, and he presumed they must not be at variance with the law of the land. In general, a provision was inserted in measures empowering chartered companies to make by-laws, that such by-laws should be consistent with the law of the land, but no such provision would be found in this bill. There was, of course, no necessity that the by-laws of different towns should be in conformity with each other, so that there might be 126 towns in Ireland having each a different system of by-laws and regulations established by the town-council of each borough. Offences against these by-laws might be tried by the corporate justices of the towns. In each of these towns there was to be a mayor who was to be a justice of the peace for the borough, and who was to take precedence of the county magistrates in those towns. One of the complaints in the Report was, that the corporate justices of Ireland were at present independent of the Crown, and not subject to that control of the Lord Chancellor to which county magistrates were subject; but the corporate justices created by this bill were, he apprehended, to be entirely independent of the control of the Crown, and of the Chancellor. In the counties of cities of Ireland there was to be a town-council by whom the sheriff was to be elected. In reference to the appointment of a separate commission of the peace in certain boroughs, such commission could only be issued on the requisition of the town-council; but surely the Lord-lieutenant would be a

better judge than any local authority, whether it would be for the interests of public justice that a separate commission of the peace should be issued for any particular district or town in Ireland. If he had fairly described the provisions of the bill, he would attempt to show, in answer to the challenge of the right hon. gentleman—that the bill was not likely to conduce to the improvement of the administration of justice in Ireland; and that the principles which they themselves had laid down in preparing other measures connected with the civil force in Ireland, were at direct variance with the principles which this bill would establish. Before he reviewed the arguments of the right hon. gentleman he would refer to one of his positions, which, if correct, was a bar to all argument, which rendered all discussion useless. He maintained that justice to Ireland absolutely required that the same measure of corporate reform which had been adopted here, should be extended to Ireland. No matter what would be its practical operation in Ireland, it would be, according to the right hon. gentleman, an insult and a wrong to refuse to Ireland what had been conceded to England. But he could show this position to be untenable, and he would cite against it the authority of the right hon. gentleman himself; for the right hon. gentleman had said, that if he thought the effect of this bill would be to transfer power from the hands of one party to those of another, he should be found amongst the most determined and active opponents of it. The right hon. gentleman then claimed for himself the liberty of examining the operation of this measure, and stated a case in which he himself should be prepared to disregard the argument, that because you had passed a certain measure in England, you must necessarily apply that identical measure to Ireland. The right hon. gentleman alluded to a speech of the noble lord the member for Lancashire. What was the nature of that speech? It was made with reference to parliamentary reform. It might be unwise to place the inhabitants of two countries on a different footing with respect to the exercise of political power; but if it could be shown that any principle adopted in England or Scotland, or in any other part of the habitable globe, and leading to beneficial results there, would work in Ireland to defeat the ends of justice, he cared not for their vaunted principle of assimilation; he would boldly reply, that the interests of public justice were infinitely higher than nominal uniformity in the public institutions which administer it. If the application of that uniformity was incompatible with justice, then, according to the admission of the Attorney-general, determined opposition to this bill was perfectly justifiable. Now he would examine the bearing of the enactments of this bill, as they related to the administration of justice—as they related to the efficacy of the civil power by the due administration of the police, and as they related to the management of the corporate funds. He would take first the administration of justice. The right hon. gentleman said, that there were many imperfections in the administration of justice by the municipal corporations in Ireland; that there was great dissatisfaction, and that there existed concurrently an exclusive system of self-government. Admitting all this to be as stated, the right hon. gentleman proceeded to argue, that all he had to do was to introduce popular election and remove the evil. Now he admitted that in many respects the system of popular election might be a check on abuse; but he must at the same time say, there was a gross fallacy and a fundamental defect in the argument which asserted, that the selection by popular choice of the functionaries intrusted with the administration of justice would naturally ensure, that justice would be administered satisfactorily. Under this bill there would be the counties of cities, with their sheriffs, elected by the town-council; there would be also the corporate towns, having a separate session of the peace, with elected town-clerks necessarily acting as clerks of the peace. In both of these instances the officers appointed by the corporation would have the summoning, in one case, of the grand and petit juries, in the other of the petit juries. Now he would call the attention of the House to the objections urged in the report of the commissioners against the administration of justice by officers appointed by corporations. The commissioners said in their report:—“In the corporations of counties, cities, and towns (and in one case, that of Londonderry, for the county at large), the sheriffs appointed by the municipal corporations possess and exercise important functions in reference to the administration of justice, both criminal and civil. \* \* \* A large proportion, frequently the majority of the Grand Jurors, is empanelled from the members of the governing

corporate bodies,—an arrangement which, as these bodies are at present constituted, practically vests and preserves in limited corporate councils the extensive powers of local taxation given by law to the grand juries. The composition of the grand juries, which ought to be generally and impartially taken from the inhabitants at large, is thus directly and effectively that of the corporations, and partakes of their defects and unpopularity. The corporation and grand juries of Dublin afford striking instances of this connection between the two bodies. In Waterford we find a singular arrangement made to guard against the practice, by an agreement between the corporation and the inhabitants, that no more than a certain number of the common council should be on the grand jury. The exercise of this branch of their functions by the corporate sheriffs in the return of petit juries on occasions of interest to the corporations, or affecting their influential members or supporters, obviously affords the means of giving an important advantage to parties in their interest, or professing the same local or general political views." That being the imperfection, the groundwork of complaint, he wished to be told how they would remedy it, by making the popularly elected sheriff and clerk of the peace, the officers who were to summon the jury in those towns, and counties of towns, which it could not be denied were in a state of discord, springing from religious difficulties and political animosity. In all these towns, with corporate officers holding their appointments independent of any control on the part of the Crown, and nominating the juries, there was to be, in addition to all other causes of discord, a perpetual system of agitation connected with municipal elections. First, an annual registration of persons qualified to vote; then one-third of the town-council would annually go out of office, and others must be elected in their place; then would come the election of the magistrates; then the election of the town-clerk and other officers; and thus almost the whole year would be spent in elections, or in proceedings preparatory to elections. Did they mean to say, that under such a state of things party spirit would not prevail? Would they say, that parties would not be pitted against each other—that there would not be active canvassing—that clubs would not be formed to include in the corporations one set of members and to exclude another—that the town-councils would not be elected with reference to political interests—that the sheriffs and other officers appointed by the town-councils would be free from political bias? Could they, then, infer that the administration of justice would be more satisfactory, for the single reason, that the officers mainly instrumental in it would owe their appointment to the predominance of a party, and the acts by which popular elections were determined? While listening to the speech of the right hon. gentleman, he marked the important admissions which escaped from him, with respect to the administration of justice, and he would ask what more security for the pure administration of justice did this system afford than they had in the system for which it was a substitute? The right hon. gentleman said, that his charge against the present sheriffs was the intimate connection they established between the corporations and the grand juries. What was there in the bill before the House to prevent such a connection from continuing to exist? An intimate connection between the corporations and the grand jury! This was the grievance. But where was the remedy that this bill applied? If the present sheriffs marked their respect for the present corporations, why should the new sheriffs show less of deference to the popularity-elected corporations, from whom they were to receive their appointment? What was there in the principle of popular control—admirable as it might be as a check on abuses of a certain class—what was there in popular control, as exercised over the sheriff, tending to diminish his sense of obligation to the party to which he owed his election? That would be the party which would exercise the supposed control, and which would have a common feeling with the sheriff in favour of promoting their common interests. The right hon. gentleman said, that a difference of opinion in politics ought to form no ground of challenge as to the eligibility of persons to be elected as corporate officers, or corporate jurors. The sheriff might be a political partisan. He might return men with political opinions corresponding to his own to serve on the grand jury, and there would be no ground of disqualification or challenge on this account. But would there not be the very same ground for complaint that there now is against partial officers and partial juries? The right hon. gentleman urged as a conclusive

argument against the present system—against the selection of the grand jury by a corporate officer—the abuse which had occurred in some proceedings at Limerick. He brought forward the case of some fishermen who were fired at by the watermen of the corporation; in consequence of which firing death ensued. The corporate sheriff returned the jury, and the corporate jury, acting in support of the corporate rights, acquitted the watermen, and convicted the fishermen of homicide, though they were the party sustaining the loss of life. That was a grievous case, no doubt; but would the right hon. gentleman say what provision there was in his bill which would make it the interest of the grand jury, appointed by the corporate sheriff, instead of supporting the corporate rights, to administer justice impartially? Would the right hon. gentleman say in what single respect popular election, and the party spirit connected with it, afford a security that justice would be done in a case which involved corporate rights or party interests? So much for the administration of justice.

He would now state to the House the outline of the proposal which he was inclined to make. In the case of the counties of cities and counties of towns, he would at once place the nomination of sheriffs for those counties of cities and counties of towns in the hands in which the nomination of sheriffs for counties was placed. The right hon. gentleman interposed his clumsy and ineffectual contrivance of the veto of the Lord-lieutenant on the nomination of the town-council. Such a check would be quite ineffectual. Why establish a divided responsibility between the parties? The right hon. gentleman proposed that the town-council should name the sheriffs, and the Lord-lieutenant should have a power to reject. If the sheriff had been guilty of any gross offence—if he had distinguished himself by any very marked or violent political opinions, it was just possible that the Lord-lieutenant might exercise his power of objecting to the individual. The town-council, irritated perhaps by the rejection of their first nominee, would then recommend another, and an unseemly conflict might arise between the Lord-lieutenant and the local authorities. What possible objection could there be to conferring the appointment at once directly on the Lord-lieutenant? Observe the course pursued by the government, with regard to the nomination of the county sheriffs by the judges. The government had in some cases refused to take the recommendation of the judges. Let them apply their own principles to the present case. If the country was so divided by religious opinion, if it was so divided by party feeling, that the government found it necessary to refuse to sanction the nomination of the judges—what security could they have that a town-council, elected possibly after a turbulent and severe contest, would discharge the duties of recommendation impartially? Why should they have more confidence in the integrity of the town-council than they had in that of the judges? Why should they fetter the Lord-lieutenant in his discretion? Why not leave the matter to his decision, which must be looked on as more impartial—be his political opinions what they might—than the judgment of local and conflicting parties? Why not trust him with the same power in respect of sheriffs in corporate towns, as he had always exercised with regard to the sheriffs of counties?

He would next address himself to the administration of the civil power—to the superintendence of the police. He presumed that the right hon. gentleman was prepared to repeat his challenge—and would again demand, whether any man could be found bold enough to maintain that the same principles with respect to police were not to be applied to Ireland that had been applied to England? What—would they insult the people of Ireland by telling them that, whereas they intrusted the town-councils of England with the nomination of constables and superintendents of police, they would not deal out impartial justice to Ireland, and commit the police in that country to the same hands? Would the right hon. gentleman repeat that challenge? If he did, here was his ready answer to him—it was the right hon. gentleman's own bill brought in this session, which provided for the consolidation and amendment of the laws relating to the establishment of the constabulary force in Ireland. The right hon. gentleman and his friends had by the introduction of that bill, acted at variance with, and in direct contradiction to their own principles. They showed that they had a great jealousy of the local authorities in Ireland; they showed, that they would not trust them with the appointment of

the police; they brought in a bill to take those appointments from them, concurrently with this bill which, on the face of it, proposed that the Municipal Corporations should be intrusted with the appointment of the local police. What were the arguments they used with respect to the county magistrates of Ireland? Either that they could not be trusted with the appointment of police constables from the influence of party feelings—or that such appointments, emanating from different authorities, would destroy all unity in the police system, therefore they could not listen to the recommendations of the magistrates, but would vest the absolute power of nomination in the Lord-lieutenant. The bill of this present session provided for the establishment throughout Ireland of a constabulary force. It recited, that it was expedient to consolidate and amend the act for the appointment of certain constables and magistrates in certain districts. It provided, that the Lord-lieutenant might appoint, in every county, magistrates and county inspectors, who were to have the direction and superintendence of the police force to be established; it took the nomination of the police from the magistrates, and gave it to the Lord-lieutenant, the avowed object being to carry into effect one system throughout the whole establishment of police. It appointed sub-inspectors, paymasters, storekeepers, and clerks. It recited that it should be lawful for the Lord-lieutenant to appoint, from time to time, at his will and pleasure, such numbers of chief and other constables as should be deemed by him necessary for the preservation of the peace. It expressly enabled him to appoint in the several towns of Ireland constables, sub-inspectors, &c., and it did this for the purpose of excluding local recommendations, and insuring a unity of system. What became of this expected unity if, in the different towns, the corporations acting under this bill, appointed severally a local police. He had alluded to the constabulary force bill for the purpose of showing that, so far as regarded the civil power, the acts of the present government demonstrated that they did not consider popular control necessary, and that in the constabulary bill they followed a plan at utter variance with the principles of the present bill—not only at variance, but incompatible with, and contradictory to, the provisions of this bill. He excluded, therefore, on their own showing, and on the authority of their own Report, from the objects of municipal government, the administration of the civil power, and the charge of the police.

He came next to the possession and control of corporate property. Now the right hon. gentleman, in the course of his speech, did not state any very conclusive arguments in favour of the power of presentment exercised by such grand juries as were appointed by corporate sheriffs; for he said that in the county of Cork the cess was only tenpence per acre, whereas in the county of the city of Cork the amount levied by the grand jury was five or six shillings per acre. But let them examine the bill, with reference to its bearing in point of economy? It required that a mayor should be appointed, a town-clerk and a treasurer; and it authorized the town-council, out of the borough funds, to apportion salaries to the mayor, town-clerk, and such other officers, without stint or limitation, as the council thought necessary. Here then was a source of copious patronage provided. The right hon. gentlemen had inquired what would they do with the property of the present corporations? Now the property was not very extensive. The total amount of the corporation property in Ireland was about £61,397 a-year; the expenditure was £57,279; the amount of debt was about £133,000. If they excluded the city of Dublin from the calculation, they would find that the total amount of income was £33,000 per annum, the annual expenditure £27,000, and the debt about £100,000. The property of corporations in Ireland was derived from two sources—from estates in land and from tolls. One of the provisions of the bill, in relation to corporate funds, was exceedingly objectionable. It vested the whole amount of the present tolls in the new corporate bodies, and deprived them of the power of reducing them in certain cases. Now it appeared to him that if there was any one matter in Ireland, with respect to which a new arrangement should be made, it was the system of corporate tolls. They stood on a different footing from the tolls possessed by the corporations in England. On the principle on which they claimed the right to deal with corporate property, there could be no question, if the corporations were willing to relinquish the tolls, they ought to be allowed to do so, and there ought to be no impediment thrown in the way of the surrender. The right to tolls of individuals was encumbered with the

claim for compensation; this made the settlement of the question in respect to their rights, a difficult one; but the corporations stood on distinct ground, and, for the sake of the industry, and to liberate the commerce of the country, these tolls ought, if possible, to be extinguished. To extinguish the right of the corporations to levy tolls, would not only confer a direct benefit on the people, but materially promote tranquillity, and subordination to the laws. He might refer to the commissioners' report for an account of the manner in which tolls were levied in Ireland, and the violence which accompanied it. In Drogheda they were collected in the following manner, as stated in the report of the commissioners:—"Until a recent period, the tolls of the corporation of Drogheda were exacted at the gates, without any regard to the restrictions by 4 Anne, c. 8. Charges were made upon all cattle and goods either entering the town or leaving it, and if passing through, both on the entry and exit; and although they were not driven or carried over the bridge, and although they were not brought to be sold, consumed, or slaughtered in the town. These illegal practices led to a general resistance to the payment of the tolls claimed by the corporation, and, owing to the difficulty experienced in the collection, no one could be found to bid for them when set up to auction in the usual way. From October 1827 to October 1829, the collection was attended with frequent riots. The collector stopped the goods on coming to the gate, or entrance into the town, and demanded the toll. On refusal, the cars were stopped until the owner paid or turned back. The riots were commenced by the farmers waiting until a great number of cars were collected together, when they whipped the horses and galloped through the toll-gate." This was the system continued by the present bill. The resistance to tolls generally had increased of late years, and to such an extent, that in one-half of the corporations the attempt to levy tolls had been abandoned. Was it, then, not desirable to place these tolls on a new footing, and, if not wholly abolished, to provide for their collection in a different manner. Suppose that a reduction of the corporate tolls were made, in that case they would have to deduct a corresponding amount from the £33,000 per annum possessed by the corporations. To what an extent that reduction would affect the income of the corporations he could not at present say, but he apprehended that the whole sum left would be exceedingly small. In some towns the tolls amounted to nearly one-half of the whole revenue. He could not conceive any enactment which would give more universal satisfaction in Ireland, than one that should provide, that instead of levying the toll for the improvement of the town, commerce and industry should be freed altogether from the restraint of corporate toll, in every case, at least, in which such toll was not a security for debts incurred. He would say further, with reference to individual right to toll, that it would be an excellent application of corporation property, in cases where there was a surplus, to purchase with that surplus the individual right, and remit the future enforcement of it. He admitted that those to whom the distribution of corporate property was intrusted, ought to be liable to render a strict account; and if any improper application of the property was discovered, immediate steps ought to be taken to recover it. If there was a surplus of corporate property, no doubt that ought to be applied to some municipal purpose connected with the improvement of the town. His proposal was, to vest the charge of corporate property *ad interim* in a commission. He would give to that commission an instruction to take an extended view of all the important questions connected with the application of this property. He would specially direct them to inquire into, and make a report on the subject of toll. He would expedite the process of law for the recovery of corporate property; and he much doubted whether a commission, taking an extended view of the subject, would not recover more property under the existing law, than by any other means.

With respect to the administration of justice to the charge of the police, and to the administration of corporate property, he had intimated the course he was inclined to pursue. He would not consent to the re-establishment of corporate bodies. He did not believe it could be shown, that officers appointed by popular election would give more satisfaction in the administration of justice, than officers selected by the lord-lieutenant. He professed a willingness to remedy every abuse they could point out. He agreed, that there ought to be an effectual supervision of the police; he agreed that corporate property ought to be applied to municipal purposes. He ad-



mitted, also, that there were objects of local administration, which required the control of a local authority, and of a local authority subject to popular control. But the existing law provided for this. An Act was now in force in Ireland, general in its operation, which provided amply for the lighting, the watching, and the cleansing of towns in Ireland. It was the 9th George IV. cap. 8. The hon. gentleman dwelt with great satisfaction on the practical operation of this bill. He said it engendered no party spirit—that the elections under it were conducted with harmony and impartiality. Why incur the risk of disturbing that harmony? Why make the authorities that are to preside over their local government, political and party functionaries? The Act of the 9th Geo. IV. was very popular in its construction—twenty householders inhabiting houses of £20 a year annual value shall agree to apply for the extension of the act to the town where they reside, directions shall be issued by the lord-lieutenant for a meeting of the inhabitants to decide upon the propriety of adopting the act. At this meeting all inhabitant householders of £5 and upwards shall have a right to vote, and the result to be decided by the majority. In case the act be adopted, commissioners to carry the provisions of the act into operation are to be appointed by the election of the majority of those qualified to vote. These commissioners not to be less in number than ten, nor more than twenty-two, and to continue in office for three years. These commissioners have the power of appointing a treasurer, clerks, and other officers, but the act gives them no judicial powers whatever. Any penalties may be recovered before a magistrate of the town or county; but the commissioners have no connexion in any shape with the administration of justice. The act gives to them simply the power of providing for the watching and cleansing of the town. The Police bill of the government virtually superseded the act of 9th Geo. IV., in respect to the establishment of a local watch. It rendered such an establishment unnecessary, by providing an ample civil force, acting on uniform principles, and subordinate to one single authority. But this corporation bill re-established the local watch and local police, and destroyed the uniformity which was aimed at by the police bill. Why is this? Why not do as you have done here? Did the right hon. gentleman mean to say that the police force appointed to preserve the peace by day was not sufficient to perform the duties of watching by night? But this had been done in London and Westminster. We made the same force answer both objects, and we found the experiment to be attended with the most eminent success. A bill of a similar description had been proposed for Dublin, it assimilated the police force there to the police force here, and made the same force sub-servient to the purposes of discharging the duties of a day and a night police. In this way you give the force consistency, and increase its utility and efficiency. Now, if this system were found beneficial in its operation for London and Dublin, why should it not be at least equally so for Belurmet and Middleton? If it were not necessary to separate the appointment of the watch in London and Dublin from that of the police—if they were wise, and he thought they were, in making no distinction between the police by day or by night, in order that there should be no confusion or clashing in the performance of duties, which only differed in respect to the hour of the day at which they were to be discharged—if that system was found to work well in Westminster and in London—if they admitted that that system should be adopted in Dublin and that the constable by day should act as the watchman by night, why should they not extend the principle to smaller towns, and make it the general system for Ireland?

The plan which he would propose he would shortly recapitulate, although he had already indicated its principles. He did not propose the maintenance of the present corporate bodies; but he would not consent to the substitution of other corporate bodies, open to, at least, equal objections, in their place. In the present state of Ireland he did not see the necessity for their existence; he thought their interference with the administration of justice would lessen the chances of its impartiality and its purity, while their interference with the police was calculated to abate the efficiency of that body. He thought that corporate property should be applied to local purposes; but he was not prepared to intrust its management to a town-council, absorbing the whole of it, probably, in the payment of corporate officers. With respect to municipal purposes not connected with the police, not connected with the administration of justice, and not connected with the management of corporate

property, he would leave the act, the 9th George IV. in operation, which permitted commissioners to be appointed, subject to popular control, and owing their election to popular nomination. Instead of having the Sheriff in counties of cities and towns appointed by the council, he would enable the Crown to appoint that magistrate. He would abolish all the inferior tribunals of seneschal and baronial courts. He would extend the jurisdiction of the assistant barristers. He believed that that jurisdiction gave entire satisfaction; at least there was a bill before the House calculated to extend it, on the express assumption that it was entirely satisfactory in its operation. Why not, therefore, introduce the assistant barristers' courts, with a jurisdiction more extended, if it should be required, into counties or towns, or if separate functionaries were requisite, let recorders be appointed by the Crown in large cities and towns, who should exercise a similar jurisdiction to that of the assistant barristers in the counties? In the cases of Dublin, Cork, and other towns, he believed the weight of criminal business would be too heavy to be discharged by the assistant barristers of the county. He could also suppose that there might be local tribunals required, subordinate to that of the assistant barristers, or recorders, for the trial of small debt cases. In the case of the county courts of this country, attempts had been made to improve their jurisdiction; and why not act on the same principle for Ireland, and constitute, where they were necessary, subordinate courts for the recovery of small debts, on some uniform principle. He was not in the slightest degree opposed, but on the contrary favourable, to the removal of all petty courts, whose functions could be better discharged by superior tribunals. But if they could give to the inhabitants of large towns, an easy and expeditious process for the recovery of small debts, he believed it would be a reform which would give great and general satisfaction to the people. The right hon. gentleman had asked, what would be done with the property and political rights of freemen, in case of the extinction of the old corporations? Why, the property and political rights of freemen would stand very much on the same footing under his plan, on which the bill of the right hon. gentleman proposed to place them. The right hon. gentleman did not propose that the old freemen should be part of the constituent body of the new corporations. They were exonerated in Ireland, as in England, from the performance of municipal duties, and deprived of municipal rights; whatever were the rights or property of the freemen, they were respected, under the right hon. gentleman's plan, as rights standing on special grounds, and not because the holders of them were to continue members of the new corporations. He saw, therefore, no more difficulty in dealing with the political and proprietary rights of the freemen under his plan than under that of the right hon. gentleman.

He was quite aware, that there were various minute points of detail, on which he had not thought it necessary at present to touch—that many members of corporate bodies, for instance, were trustees of harbours, and had some control over markets. He believed the House would feel he was justified in considering them as matters of detail, and that it would now be beside the question to enter into them. He did not apprehend there would be any serious difficulty in providing for these cases, and he was sure the House would not require from him, in a discussion on the second reading, to enter so much into matters of detail. But there were some important powers given to the town-councils under this bill, which were different from those assigned to them in England, and would, he was sure, prove to be matters worthy the most serious consideration. The bill appointed the town-councils visitors of all local and municipal boards or commissions connected with ports or harbours, with full power to inspect all accounts, papers, and documents relating to such ports or harbours. All accounts, books, and papers of the trustees or other officers connected not only with the town but with the harbour, were to be subject to the jurisdiction of the town-council, who were to have summary power over them. He saw it was assumed in the report, that to the corporate body belonged the general care of the commercial interests of the town in which they acted, of all such interests as were in many cities and towns under the direction of chambers of commerce or other voluntary associations. Was it meant that the duties now performed by chambers of commerce and voluntary associations should of right belong to the newly-constituted corporation? Were all the duties now belonging to harbour commissioners, chosen by persons with totally different qualifications and interests

by persons deeply engaged in the commerce and interested in the shipping of the town—were all these to be subject to the control of the municipal council? And could it be believed that the business connected with commercial property, now superintended by a voluntary association called a chamber of commerce, should be transferred to the management of a town-council, elected by a constituency of £5 householders? This was the principle assumed in the commissioners' report. He would take the case of the chamber of commerce of Manchester, or any of those which had been instituted in our large towns. Could it be contended that the functions of a body of that nature must necessarily be devolved on town-councils, however elected? Could it be maintained that that council ought to have a right to compel the production of the papers of any local board of trustees, or commission connected with a harbour? These powers were much more extensive than any given to town-councils in England; and it was the more extraordinary to see these deviations from the English Bill, when the single argument in favour of the present measure was the necessity for assimilation and uniformity.

"I admit," said the right hon. baronet, "that the strict principle of governing Ireland with perfect civil equality, among the professors of all forms of faith, is the only one which can be adopted. In no single respect does the plan which I suggest trench upon that principle. Before the law all parties will stand equal in respect to privilege, and the administration of justice will not be tainted by the intermixture of party interests, and the heated passions of party conflicts. If I had recommended that there ought to be any civil distinction—if I were contending that there ought to be privileges conferred on one class which were withheld from another, I admit there would be a radical vice, a fundamental error, in the proposition. The chief object of our consideration ought not to be to assimilate precisely the system in Ireland to that which we have adopted in England, but to ascertain by what system equal privileges and equal justice may be best secured to all. Whatever be your system nominally and in theory, if the practice is repugnant from it, the evil of that practice is not mitigated by the speculative perfection of the theory. If by self-election you contrive to exclude, practically, one class from civil or corporation privileges, that system is defective and unjust; but I equally contend, that if by adopting the principle of popular election you give predominance to another class, to one political party over another, and leave the administration of justice in the hands of the dominant party, then, I care not what your theory may be, or the verbal enactments of your law, the injustice is effectually done by its practical operation, and popular election works the same evil in the one case which self-election did in the other. Have you read the evidence adduced before the commissioners? Do you believe that it will cause the cessation of religious animosity in Ireland, and the administration of equal law—to introduce the system of annual election in 120 Irish towns, and to place in the hands of the dominant party in every large town those officers by whom grand juries are to be chosen? I care not by whom undue influence is exerted: it is a matter of indifference whether by landlord or priest. We protest against the injustice that will flow from the selection of political and party men as the instruments by which justice is to be administered. Will any man rise in the House and say, expecting to be credited, that in determining municipal elections in Ireland, politics will not interfere? Is there a man who doubts that these elections will be influenced by political feeling? and that the future corporate bodies will be assemblies much more occupied in political agitation, than in the superintendence of mere local concerns? Is this a groundless impression of mine? No. I have for it the great authority on such a subject of the hon. and learned member for Dublin, who said, on the first day of this session, when speaking of the municipal councils of England: 'The sword is fastened in your vitals, and you feel it festering there. You regret the triumph the reformers have gained in the municipal councils. You know that there is not one of these councils that will not be converted into a Normal school for teaching the science of political agitation.' These were the expressions of the hon. and learned gentleman, with respect to the town-councils. He prophesied of them, that they would be 'the normal schools for teaching the science of agitation.'" [Mr. O'Connell: I said political agitation.] I was quoting from memory, but in order that there may be no ground for cavil, I will repeat the exact words of the learned gentleman, as he was reported to have

delivered them. "England (said the hon. and learned member) had received an instalment of what was due to her, and right well has she used it. You have reason to regret it—you feel the sore festering within you—the triumph of the reformers in the great towns. Every one of them will be a normal school for the science of agitation." If that be true with respect to England, it is false with regard to Ireland? If it be true also with respect to Ireland, have we not ample ground to protest against the administration of justice being reposed in such hands? Sir, I make this appeal with great confidence in its justice—I make this appeal to you, and, through you, to public opinion—to that public opinion which, ultimately, will be the arbiter between our party disputes. It will not sanction with its approbation the institution of these schools for the science of agitation. It will not affirm them to be compatible with the pure administration of justice. We concede to you the full justice of your demand for equal law and equal rights. We admit that there ought to be no invidious distinctions—we are willing to relinquish any advantage which the possession of exclusive privileges and monopoly of corporate power may have conferred. When you proposed to transfer from the magistrates of Ireland the right of nominating the police force, I acquiesced in the justice of that proposition, believing, upon the whole, that, amid the heated passions of conflicting parties in Ireland, the chief governor of that country will be more likely to make an impartial and an efficient selection of the force by which peace is to be preserved and the law executed, than any local authorities. In deference to your wishes—in anticipation of the royal command—those who have been connected with associations endeared to them by many recollections, have, at the hazard of great personal sacrifices, declared their willingness, not only themselves to withdraw from societies of an exclusive character, but to use their influence in discouraging and suppressing them. We are thus fortified in our claim, that the power relinquished by one party without grudging or complaint, shall not be transferred to another; that there shall not be established, under the pretence of popular election, or any other pretence, a practical domination of one party over another, infinitely more galling and oppressive than that which is the object of complaint.

We ask of you to consider the present condition of Ireland—its present state of society—to recollect your own principles in respect to many subjects of legislation in which you have found it necessary to apply in Ireland a rule different from that adopted in this country. If you have reason to believe, that, in the present state of party feelings, annual elections in every town are likely to engender bad passions—if you have reason to believe that the town-councils so elected, will be converted into political clubs—we call on you, as you value religious peace—we call on you, as you value equal laws—as you prize the security and the integrity of this great empire, not to lend the sanction of your authority, of your moral and legislative authority, to the institution in Ireland of normal schools for teaching the science of agitation. But, above all, we demand of you, respectfully, but firmly, that you will not make the graduates in those schools, and the professors of that science, the chosen instruments to wield the civil force, and to dispense public justice.

Later in the evening, and in reply to Lord John Russell,—

Sir Robert Peel said, I will state at once, that I am desirous to give the House an opportunity of deciding between the two plans submitted to it; and with that view, I shall simply move an instruction to the committee. If the House should negative that, I shall not give the noble lord much trouble with respect to the details. I will not vote for the second reading of the bill, though I assent to one of its principles—that on which the extinction of existing abuses is promised, because I totally dissent from the other principle of the bill; and it appears to me that the best course to ascertain the sense of the House as to the comparative merits of the two measures in this respect, is to move an instruction to the committee on Monday for the substitution of my proposition, in the place of that of the right hon. gentleman opposite.

The bill was read a second time.

MARCH 8, 1836.

The Order of the Day was read, and the debate resumed on the amendment moved by Lord Francis Egerton, as an instruction to the committee.

SIR ROBERT PEEL spoke as follows: Before I address myself to the speech of the noble lord (Lord John Russell) who has just sat down, I beg to be permitted to offer some remarks in reply to the observations of the hon. and learned member for the city of Dublin, who left the House on the conclusion of his speech, and has just now returned. And I would beg leave to assure the House that I have no wish to provoke a contest with the hon. and learned gentleman in the course I shall pursue. I can promise the House that I shall not be tempted to indulge in any of that offensive vituperation which in his attacks upon me (even while absent) the hon. member has so liberally meted out. I never felt annoyed at these displays, and, therefore, have really no sufficient provocation to retaliate. He has said to-night that I misrepresented a speech of his (on the last night I had an opportunity of addressing the House on this subject) in my quotation of a particular passage which I then read; and which he said I had copied from a newspaper unfriendly to him. I explained that I had taken it from the *Mirror of Parliament*. The hon. and learned gentleman denied it, and insisted that it was taken from a hostile newspaper. In that respect, however, he was wrong, and I shall prove it by reading to the House the exact words (the *ipsissima verba*) from the copy of the *Mirror* now before me. I had mislaid the extract I had made at the time, and, having found it, will now trouble the House to permit me to read it again. The right hon. baronet read as follows from the *Mirror*:—"England has received an instalment of corporate reform, and well has she availed herself of it already. The sword is fastened in your vitals, and you feel it festering there. You regret the triumphs the reformers have gained in the municipal councils. You know that there is not one of these councils that will not be converted into a normal school for teaching the science of political agitation." The hon. gentleman has charged me [the right hon. baronet continued] and others, including my right hon. colleague, the late secretary for Ireland, with having been guilty of the commission of a deliberate insult to Ireland. I, Sir, feel this taunt the less, and have this for my consolation, that there has not been a single man of any party connected with the affairs of Ireland since the period when the hon. gentleman first took an active part in the politics of that country, who has not earned for himself similar vituperation, and been called the enemy of Ireland. We have one and all been called the enemies of Ireland. The hon. and learned member has charged me, in common with every other individual who has ever filled the office of chief Secretary for Ireland, with having offered an intentional insult to his country. Against such a charge I do not deem it necessary to say one word, as the same accusation, from the same quarter, has been levelled at every man who has rendered himself obnoxious to the political views of the hon. and learned member. In all this, there is nothing new; but I must observe that it was somewhat new to me to hear such a charge absolutely cheered by the ministers of the Crown. And you, the ministers of the Crown—who echoed the chorus of applause with which the hon. and learned gentleman's accusation was received by his friends—how long have you escaped from a similar charge preferred against you and your connections? Why, Sir, what—when speaking of Earl Grey's government, from the first moment of the noble lord's accession to power to his ultimate retirement from it—speaking of that government and of its disposition towards Ireland—what did the hon. and learned gentleman say? He said—"I now come to complaints and grievances of the popular party in Ireland. The Irish complain. Why? Because of the misconduct of the reforming administration, called, for shortness, 'Whigs,' towards their country. They allege—and they allege truly—that since Lord Grey came into office, to the present moment"—which, the House will observe, was after Lord Grey's retirement from office; so that the hon. and learned gentleman's observations embraced the whole period of his government—"nothing has been done for Ireland—no one advantage has been gained by the Irish people. Their enemies have been promoted and rewarded—their friends calumniated and persecuted. Never was there known a more uncongenial or more hostile administration in Ireland, than that which has

subsisted since Lord Grey came into office, and still subsists. All the power—all the authority—all the influence of state has been placed in Orange hands; and the exclusion of the popular party has been nearly as complete, and much more insulting than it was in the worst days of Goulburn and Peel. Their enemies and yours have been the exclusive subjects selected for every thing valuable in the country; and we are more insulted by the Orange instruments of power, than ever we were in the times of the most rank and dogged Tories." I hope, therefore, after reading these passages to the House, that the hon. and learned gentleman's charge against me, of a desire to insult Ireland, will not be taken for granted, unless it be supported by more substantial facts than any he has yet brought forward. The hon. and learned gentleman says, "Ireland ought to be contented with nothing but equal laws." Sir, we admit that proposition; we say that Ireland ought to have justice done to her; we say, that without equal laws she never can, and never ought to be content. Yes, Ireland ought to have equal laws, which should practically secure every British subject from oppression; which should entitle every man, whether Protestant or Roman Catholic, to the same freedom of opinion, and the same freedom of action. But at the same time we say, that if, under the pretence of establishing a perfect analogy and identity of law between the two countries (between the circumstances and the state of society respectively existing, and in which there is no identity or analogy;) if the government introduce measures which cannot practically contribute to the administration of equal justice and the security of equal privileges, then we say you will fall into the very error against which Roman Catholics have protested: and whatever may be your theories of equal government, and your speculative enactments, you will only produce, practically, those unjust and unequal laws against which the noble lord has protested. Let us have, then, some definition of what it is in which that justice consists. The right hon. and learned gentleman, the Attorney-general for Ireland, has said, that identity of corporate institutions constitutes justice to Ireland. But has not he expressly avowed an opinion with respect to future claims, equally founded, as he insists, upon the plea of justice—and the grant of which, having gained this step, he will hereafter seek to obtain—using the present concession as a means for extorting what remains? I admit that the fear of ultimate consequences—the fear of having other things extorted upon the strength of it—furnishes no conclusive reason against granting this specific concession, if it be founded in justice. If this be a just demand—if the refusal of it would bestow unequal privileges, or work out an unequal distribution of justice—then, I say, it would be better to run the risk of any ultimate consequences than, by a refusal, to give ground to a well-founded feeling of dissatisfaction. I avow that I believe the principle of our rule in Ireland must be the equality of civil privileges, and a perfect and impartial administration of justice; I say that there is a *prima facie* case for establishing an identity of institutions between the two countries. We must wish that the institutions of the two countries should be assimilated; but this wish should be subordinate to the consideration of whether or not the proposed measure, which is only a means to an end—the end contemplated being the impartial administration of justice, would attain the end? Let us, then, throw away abstract matter of discussion and argument; and if, upon cool deliberation and inquiry, we find that this concession would be productive of consequences incompatible with the administration of justice and the security and tranquillity of Ireland, and the empire at large, let us pause before we agree to it, when the grant might be followed by a declaration of an intention to extort other desired measures by force—measures as revolting to the feelings of the legislature as the threatened repeal of the Union. Different opinions seem to prevail as to what justice really is amongst hon. members at the other side of the House. The hon. and learned member for Dublin is continually changing his ideas on the subject. He now says, that justice to Ireland consists in identity of municipal institutions. Not long since, the hon. and learned gentleman declared that there could be no justice unless there was an alteration in the present constitution of the House of Lords. At another time, he said that justice never could be had until the household suffrage was made universal. On other occasions, the hon. and learned gentleman has held it to be inconsistent with justice that the proprietor of an estate in England should be allowed to hold an estate in Ireland. Why, if—when upon the pretence of doing justice to

Ireland, I am to be called upon to make concessions of this kind,—I see before me only a shadowy phantom which the hon. and learned member calls justice; but which constantly eludes my grasp, and which is the more formidable, because it is undefinable—and it assumes no shape but the one which the hon. and learned gentleman claims the exclusive privilege, year after year, of giving it—if I have, constantly flitting across me, a phantom of this description; is it not fit that I should pause and consider well the step I am about to take, before I plunge into the depths in which it may precipitate me?—Much has been said about analogy; but I say that analogy is no rule in such a case as this. If you are convinced that the concession to Ireland of institutions analogous to those of this country, will not produce an analogous enjoyment of rights under them; that the power intended to be made subservient to the administration of justice will be rendered, on the contrary, dangerous to the tranquillity of that country—then I say, we are bound to resist the motion; and I say at once, with that conviction on my mind, I would rather resist it at once, and take the consequences which are menaced by the hon. and learned gentleman, than, by advancing the first step in awarding this dangerous concession, which is mis-called justice, place in his hands an instrument which he would only wield to extort still further demands. I now come to the speech of the noble lord, and I inquire whether his plan or ours be more consistent with the principles of justice. I shall proceed to analyze the speech of the noble lord. The single argument upon which it rests is this,—that having given corporate reform to England and Scotland, he asks, “Why dare you refuse it to Ireland?” He seems to say to the House, “You shall not be at liberty to consider the relative circumstances of the two countries;” he contends that Ireland ought to have the institutions which the government by this bill recommend, and that the point is, therefore, concluded. Sir, the noble lord commenced his speech by repeating his pious horror at those “Destructives” who contemplate the destruction of the constitution, and by expressing his reverence and respect for existing institutions. The noble lord appeared so anxious to pursue such a consistent course of uniformity respecting the institutions of the country, not only as concerned the institutions now existing, but even those which are extinct, that I at first was rather disposed to imagine that he was about to lend me his powerful aid towards re-establishing and re-enriching the monastic institutions of the land; for he quoted a passage from that great political character, Mr. Burke, directed, as I at first thought, against the sudden and violent extinction of monastic institutions at the period of the Reformation, but which was really directed against the extinction of the monastic institutions of France; and the noble lord argued that, because we are willing to vote for the extinction of corporate authorities in Ireland, we are acting in direct violation of the precepts of Mr. Burke. I am surprised that there is not more uniformity of sentiment on the part of the members of his Majesty’s government with regard to the precise operation of their own bill; for the noble lord, the Secretary at War (Lord Howick), said, that the two measures—that proposed by us, and their own—were, as nearly as possible, identical. The noble lord, the more enamoured of his own measure (I suppose), on account of its resemblance to ours, observed, that however the features of the one might differ from those of the other, they evidently came from the same parent stock. They appeared so much alike, that none could mistake their common parental lineage:—

————— “*Facies non est duabus “ una  
Nec diversa tamen, qualem decet esse sororum.*”

“But,” said the noble lord, “the chief feature of resemblance between these illustrious sisters is this,—that they do both provide for the complete and entire extinction and annihilation of the old corporate system in Ireland. The noble lord finds that he is not a destructive; but, on the contrary, having raised the ancient fortresses he is about to erect—though not out of the old materials, but out of materials of his own creating, or collecting—new fortresses, which I believe will be the sanctuaries of equal injustice with the old ones. The noble lord has abandoned every argument which he at first advanced. He first said, that he would administer equal privileges to Ireland and to England. But before the noble lord had concluded that one part of his speech, it was apparent that he was afraid to establish an analogous principle in his dealings with both countries. I will first

take the subject of the administration of justice. The objection which I suggested to the proposal of the hon. and learned gentleman opposite upon that head was, that to subject judicial officers to popular control, by popular election, would inevitably pervert and warp the due administration of justice. And so strongly did the noble lords and hon. gentlemen opposite feel the force of this observation, and so greatly did they distrust the plan they had themselves proposed, that it appeared they were unanimously ready to abandon that part of their plan; and they now think it would be better for the Crown than for town-councils to appoint those judicial officers. But they allow the town-councils in England, when the towns are counties of themselves, to elect the sheriffs. Having established one rule in England, why—unless there be a material variety—an essential difference, between the respective circumstances of the two countries, justifying the adoption of a different course of legislation towards each,—why does the noble lord and his friends permit the Lord-lieutenant to assume that power in Ireland? And here the House must allow me to refer to the speech made by the right hon. and learned gentleman (Mr. O’Loughlen) on the first night of the debate. The right hon. gentleman then charged me with a misconstruction of the bill. The charge of the right hon. gentleman was this:—that I led the House to believe that it was intended to have all the sheriffs and clerks of the peace appointed by the corporate town-councils, instead of their being nominated, as the bill enacted, by the Crown. If such was naturally the construction which the House applied to my speech, I must confess that, as a body, the House must be much more ignorant of the provisions of the bill than I supposed it to be; for I took it for granted that every gentleman knows that, in towns corporate—not being counties of cities or towns—there is no such officer as a sheriff. The right hon. gentleman himself has said, that there are only eleven towns and cities in Ireland where there are sheriffs. Now, there are fifty-four corporations provided for in this bill; there are only eleven towns, being counties of cities, in which there could, by any possibility, be either sheriff or clerk of the peace elected by the town-council. My objection is to their being elective officers, who, particularly after a contested election, shall have functions connected with the administration of justice. But, when the right hon. gentleman states that there are only eleven towns having sheriffs, and charges me with a breach of candour in not explaining that fact, I beg to remind the right hon. gentleman that he has also forgotten, in the heat of argument, to state the population of those towns. In those towns there are comprehended no less than 638,000 inhabitants; and this fact is, I think, a strong argument to shew the very important nature of the jurisdiction in question. I apprehend that the danger of corporations appointing justices does not consist in the number of towns wherein that power may be exercised, but in the sphere in which those towns exercise an influence. The right hon. gentleman also charged me with stating that the functions of the chambers of commerce would be usurped by these municipal bodies. I had quoted a passage from the report stating, that if the functions of chambers of commerce in large towns were to be transferred from merchants to municipal bodies, great injury would be inflicted on their commerce. It is true that no paragraph conceived, in precise terms, to that extent, is in the bill; but I believe, nevertheless, that the bill will give to the municipal authorities a control over commercial affairs which will be very injurious, and which is not allowed them in England; for the bill before you provides, that the body corporate shall be visitors of all boards within, and connected with, the borough. The corporation will have a power of interfering with the erection even of a bridge, and can inspect the accounts in such a case, for, I believe, a period of three months. Such an authority to call upon a chamber of commerce for its accounts, would be most injurious to commerce in England, and it would be equally so in Ireland. I was, therefore, not fairly liable to any attack for referring to this point. But I will resume the argument with respect to the administration of justice. The noble lord, the Secretary-at-War, has admitted that there ought to be some distinction between the provisions of the municipal bill for Ireland and the provisions in the bill for England—with respect to the administration of justice. It is admitted that this will form a fair subject for consideration in committee. You have consented that in Ireland the sheriff shall be appointed by the Crown, whereas in England he is appointed by the town-council. [Lord John Russell: the appointment must be approved by the Crown.]—It must; but I contended, on a former occa-



sion—and I think successfully—that it would be better to vest the nomination directly in the Crown. Upon that head it is impossible to disguise the truth. Let hon. members read the evidence taken on the subject in 1825. In the report of the commission you will find a body of convincing testimony, shewing that popular election will give no control—I will not say against the perversion of justice—but it will not give any security or confidence that that justice will be properly administered. The same argument applies to the clerks of the peace in towns in Ireland: and why should not the same argument equally apply to the mayor? Mr. Barrington, before the committee of 1825, was asked—“Have you been able to observe any distinction between the character of magistrates acting under charters in towns, and magistrates acting in counties at large?”—He answered, I have, certainly. The magistrates acting under charters are not under the control of the Lord-lieutenant, and therefore there is no responsibility.”—That was Mr. Barrington’s opinion in 1825. Mr. Barrington did not say that the election of a mayor, by the popular voice of a predominant party, would be a security for the due administration of justice. He said that, because the magistrates of counties were under the immediate control of the Lord Chancellor, therefore justice was better administered. Why, then, should the mayor be a popular justice, chosen annually? Why should the mayor, after a severe contest, be invested with judicial power uncontrolled? Upon this point, also, hon. gentlemen opposite must give way; for they cannot resist the force of argument, and the evidence of practical authority, which will be brought against them, on this head, from their own reports. The fact is fully established, that town-councils in Ireland cannot be safely intrusted with the administration of justice. Then, Sir, with respect to the police, which is the next most important topic. I have shown, on a former occasion, that the government themselves distrusted the local authorities with respect to the control of the police. It has transferred the nomination of the police from the magistrates to the Crown. Now, this is what I complain of. When gentlemen opposite were reminded of the principle of centralization, they said it was much to be deprecated; and they asked, “Will not you trust the people with the administration of their own affairs? They use that argument with regard to a body popularly elected, and probably elected by those whose political opinions are in conformity with their own; but with regard to those whose political opinions are not in conformity with their own, they adopt a different mode of reasoning. Centralization is good with respect to the nomination of constables; but as to town-councils, centralization is to be deprecated, and local knowledge and experience are to be preferably trusted. But you do not apply that principle to the Irish magistrates. So it is, again, with respect to the mode of legislation. The difference of the situation of the Church in Ireland, from its situation in England, was allowed by this House to be a circumstance justifying a difference in the legislation to be pursued upon their respective affairs. But when I and my friends say, “Might not a similar difference of circumstances call for some different mode of legislation, with respect to municipal corporations in Ireland, from that we have pursued with respect to such corporations in this country?”—then the argument which was heretofore used by the hon. gentlemen opposite with regard to the Church is abandoned; and they reply, that “any intention to refuse to Ireland equal and analogous institutions with those of England, would justify the Irish people in attempting to repeal the Union.” What principle of reciprocity or of fairness is there in such reasoning? The Chancellor of the Exchequer has attempted to shew that the municipal police of Ireland are mere Dogberries, like the old watchmen of the metropolis, having no power, no efficiency. If so, why does the right hon. gentleman wish for their continuance? Is this one of the institutions of England which ought to be extended to Ireland? Is there no danger to be apprehended from allowing a political body to have, at its command, a constabulary force unlimited in its extent? I ask the noble lord to read the section of his own bill, and he will there find that the proposed corporate system is neither more nor less than this, that an indefinite number of towns (for though the bill says fifty-four, the number is still indefinite) shall have salaried officers, and a watch committee, having under it a separate armed force, paid by the municipal authorities, and authorized to patrol the towns and their neighbourhoods. Why, then, do you destroy the unity of your system by depriving the magistrates of the power of recommending these constables? There might be neighbouring towns having councils differing in political opinions, each

possessing the power of appointing an indefinite number of constables, and each having different bye-laws. Let us suppose Protestant principles to prevail in one town, and principles of an opposite character in the other: do hon. gentlemen think that it would conduce to the peace of Ireland, that they should have these separate functionaries enforcing their separate bye-laws? Will it be for the good of the country to have a magistrate, popularly elected, trying offences in each town? The argument against this part of the measure is as conclusive as that with respect to the appointment of justices. It is condemned by the fact of its being equally at variance with your own principles and with common sense. Then comes the administration of property. The main and prominent argument in support of the bill has been, that we must first, and without delay, apply civil institutions to Ireland analogous to those which have been established in England; and my objection to the appointment of commissioners for the management of corporate property, is one on which the noble lord, if I rightly understood him, mainly relied. I should, therefore, be sorry to evade the argument which has been most relied upon, and which has made the most impression. The noble lord has asked whether the commissioners are to be permanent or temporary? Sir, I apprehend that the appointment of commissioners is rendered necessary upon these grounds. We admit that the towns, where the corporations possess any surplus property, have the right to apply that property to some local purpose, and that every facility should be given them to recover such property. But in many towns there are no local authorities to whom the charge of that property could be given. In the towns where the provisions of 9 Geo. IV. have been enforced, there are such authorities; but in those towns where they have not been enforced, it becomes necessary to provide a temporary and *ad interim* arrangement for taking charge of the surplus property; but it should be a provisional arrangement only. It has this advantage; it would enable you to obtain a short delay, in order that you might take a more general and comprehensive view of the future application of corporate property in Ireland. But what does the bill propose? To vest all the property in the town-councils permanently, without reserving to the Crown any control over them. Your bill, also, would vest in the new town-councils the right of tolls. Now, we say that it would be an improvement to suspend this privilege in the councils, until the extent of their just or expedient control over them could be defined. There is no matter more important than the regulation of tolls in Ireland. I am of opinion that a provision should be made for their total extinction. Let us see what was said by the hon. and learned member for Dublin, in 1825, before a committee on the state of Ireland. Being asked whether he could refer to any additional instances of corporation abuses, he answered—"That the corporations of Ireland continued to exact the tolls, although they had no longer a title to them. The tolls were formerly granted, and confirmed by succeeding kings, for the purposes of repairing bridges, keeping up fortifications, and other local establishments, civil and military. The former have gone to decay, and the latter are supported by presentment—still they levy the tolls. Is it possible to resume the amounts which the tolls now bring in, under the different corporations?—Yes, so far as the leases define them, I believe it is, but not to an extent equal to what the lessees now receive." Yes, as tolls may continue—but not to their present amount—which, I ask, would be the better course—to wait, before you appropriate the tolls, and see what kind of engagements for their management can be entered into—or at once to allow the town-councils to succeed to the right of collecting them? Now, I say, unhesitatingly, it would be more prudent to appoint commissioners for the temporary administration of them. There cannot be a doubt, apart from party contests, that the plan we recommend would be more conducive to the satisfaction and welfare of the people of Ireland. So much for the tolls. The noble lord seems shocked at the mention of commissioners—he seems absolutely astounded at the name of them, though I think his government should be less so than any other;—and that the noble lord should pretend that there is danger in the Crown appointing commissioners, when his government has been conducted, throughout, by the intervention of commissioners—is to me extraordinary indeed. Who was it that appointed commissioners to take charge of the poor-laws? Who was it that proposed to take from the local magistracy the whole of the turnpike trusts, by the very bill now passing through the House, and to vest the trusts in commissioners appointed by the Crown?

For the noble lord who has swallowed the windmill of the poor-laws, and is about to swallow the windmill of the turnpike trusts, to be choked by a pound of this fresh Irish butter—for him, after consolidating turnpike trusts under the superintendence of a commission—to be horrified at a commission for administering the management of tolls—is indeed straining at a gnat and swallowing a camel. But it has been said, that it would be an insult to the people of Ireland not to give them corporate power. Why, Sir, is there any man among us who, on going home to-night, would feel conscious of civil or political degradation and inferiority, because he is living in the borough of Marylebone, or the city of Westminster, and cannot be saluted to-morrow morning by the sight of the Lord Mayor and town-council? The hon. and learned member for Cashel has gone so far as to argue that the government by municipal bodies is a natural right. If he had applied his argument to trial by jury, or any other of the great palladia of British liberty, there might be some foundation for it; but can he say that it is a natural right for communities to have municipal bodies—from which the people of Westminster, and Marylebone, and Birmingham, are at this moment excluded? If it be a natural right, it is a right which every great town in the empire which has hitherto flourished without corporations ought to enjoy. The Crown has the power to grant charters; and yet since the English municipal bill, giving that power, has been passed, it has not been in any single instance exercised. Have these towns been wise enough to wait and see the result of the experiment of the new corporations? Has the Crown been wise enough to do so? If we have so acted in England, why do we rush with such precipitation to establish corporations in Ireland? If England can wait, why is it an insult and “degradation” to Ireland to ask her to wait also? The object of this bill is stated to be, “the good regulation and quiet government of these towns in Ireland.” Do you believe that, in the present state of that country, to have annual elections of town-councillors precisely on the same principle that political elections are conducted, will produce the “good regulation and quiet government” of those towns? The struggle of political parties will be constantly kept up; and the corporate bodies will be so constituted as to be capable of being influenced by individuals representing their sentiments, and of being perverted to party purposes, whenever occasion may arise for those individuals to exert the influence so acquired for the promotion of their own objects. Is this mere conjecture? Why, this day’s post brings an account of the institution of a club in Dublin, established for the express purpose of controlling the new system of municipal government which is about to be introduced. This is a specimen of the probable working of that system, to the control of which Protestant property and Protestant privileges are about to be consigned. Truly, indeed, has it been said, that “coming events cast their shadows before them,”—and it is a shadow under the chilling influence of which impartial justice, and the enjoyment of civil rights, must wither from the land. I hold in my hand the evidence I speak of, to the effect already produced by the anticipation of the introduction of this bill into Ireland. It is an account of the establishment of what has been termed—“The central independent club of the city of Dublin,” which originated in a meeting held in the Royal Exchange, Dublin, on the 13th of February, 1836. The object of the club is explained in a circular which I hold in my hand, and which says that its institution is imperatively demanded by the efforts which the old corporators are making to perpetuate their rule.—[“Hear, hear.”] Well, if that cheer from the hon. members is called for by “the efforts of the old corporators,” strip “the old corporations” of their authority. When hon. members opposite give such unequivocal proof of their apprehensions of the danger that may arise from the continued existence of the old corporators, the cheer by which they express it is but a noisy argument in favour of the proposition of my noble friend. That cheer is an admission of the inconvenience that must inevitably arise from these corporations becoming the arena for those contentions of faction, in which the dispute will be for victory at the sacrifice of justice. That cheer establishes that fact; and I can assure hon. gentlemen that the only way to prevent such a result, is to extinguish corporations, and intrust to the Lord-lieutenant those powers which are necessary to secure the impartial administration of justice. I shall again refer to the circular from Dublin, to which I have just adverted. It goes on to say, that to the want of organization may be attributed the fact of their not having already

obtained the advantages of corporate reform. A house has been taken where offices shall be established, and a legal staff stationed, to afford every facility to the citizens to obtain the municipal franchise, the very moment the bill of the Attorney-general shall become the law of the land. By this means it is foretold, by the same authority, that the club will be able to secure "all offices of dignity and influence." So then it appears that the new offices about to be created are to be subjected, not to the choice of the citizens, but to the dictation of this club! It appears, further, that this club is to be guided by certain rules. The seventh rule directs the collection of subscriptions (not the least important function of such a body). The fifth rule directs the formation of sub-committees and parochial clubs; the sixth relates to the receiving of notices. The thirteenth general rule is, that two gentlemen from each parish shall be elected by ballot, and that those so elected shall constitute a general committee; so that the prospect of "quiet government" held out under the bill is the succession of these annual parish elections. Do his Majesty's ministers mean to tell me, in the face of this intimation of the manner in which the municipal body is to be appointed, that the effect (though it may be the object) of their bill, will be to provide for the good and quiet government of the enfranchised town? I insist upon it that the establishment of this club dominion, under the delusive pretext of applying analogous institutions to the two countries, will subject Ireland to innumerable evils; to the operation of the most pernicious species of exclusive influence; to an undue and partial administration of justice, which is the principal alleged grievance under the old system. I am ready to contend with his Majesty's ministers for the administration of equal and impartial justice. I am most ready to admit that I do not believe that Ireland can be safely governed on any other principle. But while I admit this, I shall repeat, that it is of far more importance that the really equal and impartial administration of justice should be established in that country, than that the shadow should be introduced without the substance, in a plausible attempt to imitate the example of English institutions. Allusions have been made to my former conduct, and we have been told, if we do not grant this measure we should go back and repeal the Act of Catholic Emancipation. I do not see that connection. I am very far from regretting the course which I have taken in assisting to effect the removal of Catholic disabilities. Notwithstanding the experience I have since acquired, and the disappointment I have since sustained, yet I am still of opinion that in 1829 the time had arrived when it was no longer safe to withhold the claims of his Majesty's Catholic subjects in Ireland. I stated at that time, that though by no means so sanguine as many others were of the effect that would be produced by the Emancipation Bill, yet considering all the circumstances by which the question was then surrounded, the close divisions in the House of Commons, the growing feeling amongst the people of England in favour of Emancipation, and the divisions in the opinions of those in Ireland who had been opposed to it,—considering all these things, I felt it my duty to recommend the complete removal of the Roman Catholic disabilities. The course I am now adopting in recommending the abolition of the corporations, is quite consistent with the principle upon which I then acted. Its effect will be, to remove a great source of exclusiveness, which all agree in regarding as highly prejudicial to the interests and the happiness of Ireland. As the Roman Catholics then complained of exclusion from offices, so, I contend, will the Protestants complain of their exclusion from what they are entitled to—not from their numbers, but from their wealth, their influence, and their intelligence. As in the case of Emancipation, my willingness was publicly avowed to encounter any risk that might be incurred, rather than perpetuate the danger I saw existing, by longer withholding the claims of the Catholics,—so at present, when the question is not one of civil equality, but one which involves the predominance of one sect over another, I am quite ready, in accordance with the same principle, to come forward and resist any measure, however plausible, which is likely to diminish the security of the Protestant establishment, and exclude Protestants from the corporations altogether. I know not whether the Protestant mind of this country will be satisfied with a measure for the abolition of the corporations of Ireland; but this I know, and, supported by the conscientiousness of the motives by which I am actuated, I say it fearlessly,—that the measure which I advocate is conformable to justice and reason,

and calculated to promote good and quiet government, to soften down religious acerbity, and to secure an impartial administration of the laws. Rather, therefore, than consent to a measure of an opposite tendency, which would introduce those corporate institutions into towns—where they must give rise to partiality and exclusiveness, weaken the just and salutary effect of the civil power, and form so many *nuclei* of assemblies more dangerous than themselves—I shall prefer the lesser evil, and incur the lesser hazard, of rejecting it altogether.

The amendment was negatived. The House went into Committee, *pro forma*, and resumed. Committee to sit again.

## EXCISE DUTIES ON SOAP.

MARCH 15, 1836.

In the discussion on Mr. Handley's motion for repealing the Excise Duties on Soap, and augmenting the Customs Duties on Foreign Tallow,—

SIR ROBERT PEEL said, he thought the right hon. gentleman (the Chancellor of the Exchequer) had not understood the precise nature of the complaint which had been made against the course he had pursued in respect to the stamp-duty. The noble lord had not charged the Chancellor of the Exchequer with having given a pledge on that subject on the part of the House. It was quite unnecessary for the Chancellor of the Exchequer to vindicate himself from that charge, for it was a charge that had never been brought, and by no man of common understanding could it have been brought. Every member must be quite aware that the Chancellor of the Exchequer could not, on the part of that House, give any pledge whatever. But the complaint was, that the Chancellor of the Exchequer had pledged the government—that he had pledged himself and the government, in respect to a reduction of a single class of duty, and it was considered unfair and impolitic to give any such pledge before they were in a condition to know the amount of available surplus, or whether there would be any surplus at all. It was matter of complaint that he should give a pledge to one class without considering the claims of other classes. The right hon. gentleman said, “Don't prejudge the question; don't let us have a premature discussion.” Why, what had the right hon. gentleman done? Had he not prejudged the question? As far as it was possible, the Chancellor of the Exchequer had entered on a premature discussion. Not only so, but, as far as he and the government were concerned, he had given a pledge for the reduction of the stamp-duty on newspapers; the hon. member for Lincoln said, he was so satisfied with the statement of the Chancellor of the Exchequer, that though he desired a total abolition of the duty, he was content with the promise he had received as to this one particular class of taxation, and, being ready to listen to a reasonable compromise, he would not press his own view of the subject. When the Chancellor of the Exchequer had been pressed on the subject of the spirit duty, what had been his course? He had declined to express an opinion with reference to that duty. At any rate, it was not fair that one particular class should have a pledge in favour of a reduction of taxation till the Chancellor of the Exchequer brought the whole subject of taxation before the House, and the government should remain unpledged equally with the House, in order that it might consider impartially the claims of all. This was the nature of the charge which had been brought against the right hon. gentleman the Chancellor of the Exchequer, and from that charge he was in no degree relieved. The right hon. gentleman said it was necessary he should bring before the country his project in respect to the stamps, though in his project he had retained the whole amount of the duty; there was the old schedule without any alteration. But the Chancellor of the Exchequer was just as much pledged to reduce the stamp duty as if the schedule had contained the new duty. If there had been a *prima facie* case in favour of the proposition of the hon. gentleman (Mr. Handley), he was entitled to bring it forward. Though it was dealing in a partial manner to make engagements for reduction of taxation before it was ascertained whether there would be any surplus at all, yet if he could make out a *prima facie* case, he was justified in pressing for relief. But, at the same time, although the Chancellor of the Exchequer had pledged himself to one alteration, the principle was so open to public incon-

venience, that he (Sir R. Peel) could not consent to make an exception in favour of this proposition. He adhered to the example of the right hon. gentleman on former occasions, and he condemned his departure from it; and, although he thought that all the interests of the country had a fair and equal right to the consideration of the House, without any positive pledge of relief being given to any one in particular, he should not vote for the principle of this question, because he thought the whole subject should be considered comprehensively, and the hon. member had not shown a *prima facie* case. He saw no sufficient peculiar case of hardship—no case so strong as to justify a departure from the course which the Chancellor of the Exchequer had pursued on former occasions. He would not consent to increase the duty on tallow, in the present condition of this country, for many reasons. How could they expect that the portion of our manufactures which depended for success on a foreign market could thrive, if they did not permit a reciprocity of commerce; and if, on the contrary, we increased the duty on the raw material in which they were able to pay us? He was not able to perceive any sufficient cause which operated to warrant an exception in the case of Russian tallow to the general rule. The case of soap was a distinct one, and the arguments applying to it were altogether inapplicable to the other half of the question to which he directed the attention of the House. The relative position in which Russia stood to this country ought to receive particular attention. It came very little into competition with our commerce; it did not interfere with our manufactures in foreign markets. It sent us raw material, and took our manufactured articles in return. And unless the proposition extended to foreign oil as well as tallow, the expected advantages would not result to the agricultural interest; and if that article were also saddled with a protecting duty, it would have a serious effect on a branch of our manufactures that could badly endure it. Candles would inevitably rise in price, and were it considered how much this would interfere with the means, and comforts, and remuneration of the handloom weavers, who worked so many hours by candle-light, they would pause before they created such an additional embarrassment to the extensive branch of manufactures carried on by its assistance. By acceding to this measure, it was obvious that we should interrupt the course of commerce which now happily existed between this country and Russia, would interfere with the market it afforded for our present manufactured produce, as well as with the raw material, which supplies an important article for our manufacture, and would also increase the expense of candle-light, so necessary for our manufacturing purposes; consequences which would not at all repay us for any possible benefit that might immediately result to the agricultural interest, and which, looking to its intimate connection with our commercial and manufacturing interest, he did not expect would ultimately be for its benefit either. On these combined considerations he could not give his vote for the measure before the House.

On a division the numbers were—Ayes, 125; Noes, 195: majority against the motion, 70.

## COMMUTATION OF TITHES (ENGLAND).

MARCH 25, 1836.

On the question that the House resolve itself into a Committee on this Bill,—

SIR ROBERT PEELE asked if the noble lord had any alterations to propose in the bill?

Lord John Russell replied, that he had none of any importance, or at all affecting the principle of the bill. He therefore should be glad to get into committee, in order to hear the suggestions and opinions of hon. members on each clause as proposed.

Sir Robert Peel said, that many cases would arise which were not provided for in the provisions of this bill. He wished to know in what way the modus was to be disposed of—who were the authorities to decide whether the allegations that a modus existed were valid or not?

Lord John Russell said, he had a clause to propose to set that point at rest, but at present he would not enter into the details of it.

Sir Robert Peel then said, he had put certain questions to the noble lord merely

for the purpose of being guided in considering the details of the bill by the answers he might receive. He, for one, had no objection to the House resolving at once into committee, if the noble lord so desired; but there being many important omissions in the bill, and the noble lord not being prepared to supply them, he (Sir R. Peel) should certainly feel some difficulty in offering suggestions to do that which the noble lord was not prepared to do in respect to his own measure.

A long conversation then ensued, towards the close of which,—

Sir Robert Peel said, he regretted that the House had been involved in the present discussion on the principle of the bill before the question of going into committee; because, whatever his opinion might be on some important particulars, not being opposed in principle to a compulsory commutation, he should have been disposed to forego all preliminary objection, and to go at once into committee, in order to have an opportunity of obviating any objections of detail which might be made to the various provisions of the bill, and rendering it in all its parts as complete and objectionable as possible. In point of fact, the principle of compulsory commutation being conceded, the policy of applying it depended so much on the machinery by which it should operate, that it was difficult to consider the principle apart from the details; the policy of admitting the principle depended almost wholly on the perfection of the details, and the manner in which they were to be applied. But, at the same time, after the very able and powerful speech of the hon. member for Cumberland, whose opinion on this question was entitled to so much weight, urged, as it had been on the present occasion, with such consummate knowledge of the subject, and so much clearness of expression as to render its subtleties perfectly intelligible to those less conversant with its details, he was not surprised that the noble lord had thought it necessary to vindicate the leading principles of the bill; and, in the outset, he must say, he entirely concurred in the justice of one observation made by the noble lord—that even with respect to a voluntary commutation, and much more in attempting to carry into effect a compulsory principle, it was infinitely more easy to suggest difficulties than satisfactorily to obviate them; and he, for one, should therefore be the last to urge it as a party objection against any government, that they had made an honest attempt to settle this question on the principle of compulsion. Still the noble lord must admit that it was most advisable, for the interests of the country and the government, before the opinion of the House was finally pledged in favour of that principle, or any other, to foresee all the difficulties and various objections which occurred to different minds, by which they might be accompanied, in order, admitting their force, if possible to obviate them, than afterwards to find, having adopted a particular measure for the settlement of tithes, and passed it into a law, that, on experience, it was incapable of practical operation. If it were necessary, in such a case, to revoke what had been done, having once passed a bill on the subject, they might indeed altogether despair of effecting a commutation of tithes on a right and satisfactory principle. He therefore repeated, that he for one would allow no party feeling to enter into the discussion of a bill brought forward with the proper intention of effecting a commutation of tithe on just principles. He apprehended, that those who were anxious for this—he meant the settlement of the question upon just principles—would feel thankful rather than otherwise to those who, whilst there was yet time to consider them, urged the objections which they entertained against the principles on which the present bill was founded. The noble lord maintained that the compulsory principle possessed a great advantage over the voluntary principle; and he was willing to admit the justice of that opinion, qualified to this extent—that the compulsory principle adopted should be consistent with equity, and likely to give satisfaction; because, unless it were a just principle, and likely to give satisfaction to the parties concerned, its adoption, however speculatively preferable, would not, in point of fact, be attended with any advantage. The noble lord stated his objection to a voluntary principle: he stated that, if a voluntary principle were adopted, compulsion being held out as the alternative in prospect, they might depend on it they would thereby prevent any persons from taking advantage of a voluntary arrangement. Now, that was precisely his objection to the present bill. They were about to extend the voluntary system for two years, at least a year and a half beyond the six months already propounded in the bill; but all that time, according to the argument of the noble lord, must be spent

quite unprofitably, because every one would naturally consider how far the compulsory principle proposed would be favourable to his interest, and whether he should wait for its operation. But if parliament declared, "We give fair time for voluntary arrangement, without precluding ourselves from the compulsory principle—we are not prepared to state what that compulsory principle is—we will take the experience of the intervening period, in order to guide us in the application of a compulsory principle, which we will not now indicate to you, but which, if necessary, we shall hereafter adopt and act upon,"—in that case, they would not throw in the way of voluntary arrangement that impediment which the noble lord anticipated, and which must prevail, if they indicated now the precise terms on which compulsion would hereafter be adopted. There were immense difficulties in the way of carrying a compulsory principle into effect. He could easily conceive, that if they considered only the interests of two parties, the tithe-owner and tithe-payer, and if they could assume that the interests of one class of tithe-owners were identical with those of every other, one man fairly representing the whole, it might be possible to make an arrangement which would be satisfactory as between the great mass and the church. But, unfortunately, another element must be taken into consideration. They had not only to do justice between the great interests concerned, but, in order to give satisfaction, they must do justice tolerably well between every individual constituting a portion of the aggregate. It would not do to administer what an hon. member, who had spoken, called rough justice. This was not a case in which such a principle was at all applicable. They could not apply the doctrine of compensation here, as they did so beautifully in dynamics, so as by the contraction of one part of the machine to compensate for the dilatation of the other, and ultimately to produce a just equilibrium, a perfect and equable motion. That principle was not applicable in the present case. By doing manifest injustice to a great class of tithe-payers, they would not, in point of fact, be at all benefiting the Church, they would be defeating their own ends without serving the Church. Wherever in one place a reduction was made, the Church might suffer, but where by way of compensation to the Church more was required than the Church was fairly entitled to, they were unjust to individuals, and the influence of the Church would suffer from the wrong done in its name. He did not mean to enter into the question of the *maximum* or *minimum* propounded in the bill, but he could not help calling the attention of the House to one fact—that, from many concurring circumstances, a great fluctuation was taking place in the value of the land: for instance, he believed there were applications, this session, for at least forty or fifty railroads. Suppose them successful—he did not mean successful to the speculators, but suppose the applications granted, suppose them passed into law, and railroads established, would not the necessary consequence be, to cause a very great revolution, which it was not difficult to foresee, in the value of land? Had not the improvements of steam-navigation in Scotland made the greatest possible change in the relative value of land in that country? What would be the consequence of improved commutation of land carriage by means of steam? It would be undoubtedly, to diminish the disadvantages under which distant land at present laboured; to a certain extent it would, in point of fact, annihilate space, and bring into competition with land hitherto enjoying the monopoly of town supply, land situated at a greater distance, hitherto uncultivated in consequence of its situation, but which intrinsically, when cultivated, might be more valuable and productive, and, when steam conveyance was more rapid and extensive, would come into most formidable competition with land, which, on account of its vicinage, now possessed the advantage of the market. What would be the bearing of all this on the produce on that land? It might hereafter become absolutely necessary to convert what to a considerable extent had enjoyed the monopoly of the market into pasture, or its produce might become greatly diminished in value. Now, was it not dangerous at once, in such a case, to apply the compulsory principle, and estimate the value of tithe on the average of the last seven years, as a future inextinguishable, permanent, unvarying rent-charge on the land? Was there no danger that the parties in possession of that land might feel the utmost dissatisfaction with the arrangement they were now making, and protest that by acts which they could not contemplate, to which they were no necessary parties—namely, encouragements afforded to steam-communication—the value of their land had been



materially reduced? Against those acts they might have no right to protest; but would they not have a right to protest against the assumption of an arbitrary value, to be fixed as the basis of a permanent charge in time to come? Those were matters which well deserved mature consideration. There was great advantage in the voluntary principle, the circumstances with respect to tithe collections were so different in places; even in the same parish there were frequently two or three different kinds of tithe to be collected. The value of vicarial tithe differed very much from rectorial, and the expense of collecting the one was different from that attaching to the other; so that it was exceedingly difficult to say beforehand what was the principle which they ought to apply to compel the commutation of both. It was much better, therefore, to call into operation in such circumstances the voluntary assent of parties—that assent, which in all civil matters was of the utmost importance, and the failure of which was the only reason for the application of law, than at once, without experience, to apply a general compulsory principle. He hoped the noble lord really intended to make some alteration in this part of the bill. He did not mean, of course, by the voluntary assent of parties, because he admitted, even if a voluntary principle were determined on, so much of compulsion should be added, that a certain number of parties interested in a parish should necessarily bind the remainder, lest by an extreme rigid adherence to principle they should altogether prevent the completion of any arrangement on this subject. He was sorry to have been led into this discussion of the principle of the bill. At the same time it was wise to anticipate the difficulties by which they were encumbered, and not to be betrayed by a general desire to effect an arrangement, the policy of which, if practicable, all would admit, into the adoption of a particular measure, which, hereafter finding it impracticable, it might be necessary to revoke. He would offer no opposition to going into committee, and he would lend his best assistance towards perfecting the material details of the bill; but, so great were his apprehensions with respect to the application of any compulsory principle, that he very much feared investigation in the committee would not remove them. If, however, his fears were removed, if he saw that a compulsory principle could be applied to individual cases, so convinced was he of the policy of effecting an arrangement on this most important subject, that no minor difficulties would induce him to withhold his consent to it.

The House then went into committee; several clauses were agreed to; and the House resumed.

## MUNICIPAL REFORM (IRELAND.)

MARCH 28, 1836.

Lord John Russell moved the third reading of this bill, and was followed by Mr. Shaw, who, at the conclusion of a splendid speech, moved, "That the bill be read a third time that day six months."

SIR ROBERT PEEL begged in the outset to claim the indulgence of the House, not only on account of the lateness of the hour, but in consequence of other disadvantages, which he felt so severely, as to render it doubtful to him whether he should be able to make himself asible or intelligible. He had already, on a former occasion, endeavoured to state fully and completely what his views were upon the subject of corporate reform in Ireland; but after the speech of the hon. and learned member for Tipperary (Mr. Sheil,) who he hoped was in his place—[the hon. member was absent]—in which such direct personal allusions were made to himself, he should be unwilling to allow that speech to pass by without reply. With the confidence also which he (Sir R. Peel) felt in the justice of the course he had pursued, and in the validity of the opinions he had formed, seeing that the speech of the hon. and learned member had made considerable impression on the House, he confessed he should be unwilling to permit the debate to close without manfully coming forward to examine the conclusions which were adopted in that speech, and to deal with the reasoning by which its arguments were supported. He said with the reasoning, because after all it was only the reasonings of the hon. gentleman which ought to make any impression on the House. He wished that the speech had been less prepared and less elaborate, because he was afraid that the

hon. and learned gentleman was in such haste to arrive at those portions of his speech which he knew would amuse and delight his audience, that he forgot in the course of his impetuosity to grapple with the speech which preceded it, and which was as conspicuous for the clearness of its statements, and the closeness of its arguments, as the hon. and learned gentleman's speech was remarkable for abstaining from any notice of those clear and admirable arguments, and for the ingenuity and fluency of its diction. He hoped that the hon. and learned gentleman was in his place. If he were absent, he was sure the House would admit that it would be alien to his feelings to say any thing in the hon. and learned gentleman's absence, which he would not say in his presence. Whether present or absent, he would always admit the singular power which the hon. and learned gentleman exhibited, and that he thought Ireland had reason to be proud of sending a man to that House endowed with such rare and extraordinary talent. But in making that admission, he must take leave at the same time to strip the tinsel from the hon. and learned gentleman's arguments, and endeavour to ascertain what solid and substantial metal they contained. He thought that the hon. and learned gentleman's argument amounted to this:—first, that he had a doubt whether the dissolution of corporations in Ireland was not at variance with the Act of Union; and, second, whether the dissolution of these corporations was not at variance with the spirit of the measure of parliamentary reform. The hon. and learned gentleman also expressed a doubt whether the dissolution of corporations in Ireland, and the refusal of the majority or minority in that country to participate in corporate privileges, was not really inconsistent with the spirit of the Act of 1829, by which the disabilities of Roman Catholics were removed. Many portions of the hon. and learned gentleman's speech—those portions which were most loudly cheered, and which most delighted his audience—had nothing, as the hon. and learned gentleman knew as well as he knew, to rest upon. It might be very easy for the hon. and learned gentleman, in the course of a premeditated speech, to allude to the course of conduct pursued by a particular party, and to the qualities possessed by particular peers. It might be easy for the hon. and learned gentleman to allude to the boldness of the Duke of Wellington, the dexterity of Lord Lyndhurst, the excitement of Lord Winchelsea, or the inspiration of Lord Roden. All this it was easy for the hon. and learned gentleman to accomplish; and although it had no reference whatever to the matter in debate, it was necessary that it should be noticed in reply, lest, as the character of the cheer by which it was received seemed to indicate, it should be taken as comprehending an overpowering argument against the party on this side of the House. Then the hon. and learned gentleman, pursuing the same career of eloquence, alluded to Dr. Philpotts, in connection with the Intimidation Committee. The hon. and learned gentleman knew that he should lose half his cheer if he did not introduce the Intimidation Committee. The hon. and learned gentleman recollected that his hon. and learned friend (Sir W. Follett) was member for Exeter; he recollected, too, that Dr. Philpotts was bishop of Exeter; and in order to meet the letter which the hon. and learned member for Exeter had just read, implying that a Roman Catholic bishop had summoned a meeting of his clergy for the purpose of considering the most effectual mode of securing the return of a popular member, the hon. and learned gentleman exclaimed, "Yes, but I refer you to the Intimidation Committee, and to the part which the Bishop of Exeter took." The cheers with which that exclamation was received was redoubled by those who were not aware of the fact, that from the first word of the report to the last word of the evidence taken before the Intimidation Committee, the name of the Bishop of Exeter did not once appear. He repeated, that these parts of the hon. and learned gentleman's speech, though very striking and very amusing, had no reference whatever to the matter under discussion; and for that reason he (Sir R. Peel) should take no further notice of them. He would come, then, to the hon. and learned gentleman's argument. The hon. and learned gentleman said, "You who contended that the violation of the property of the church was an infraction of the Act of Union, will you not admit that a violation of the property of corporations must be an infraction of the Act of Union also?" That question was put as it by a man who felt certain that his interrogatory was founded in reason and justice; but as there was a direct guarantee in the Act of Union in favour of the Irish Church, and none whatever in favour of

Irish corporations, he did not exactly feel the force of the hon. and learned gentleman's inference, that because it was contrary to the Act of Union to violate the rights, privileges, and property of the Irish Church, which rights, &c., were distinctly guaranteed by a clause in that Act, therefore it must also be a violation of the Act of Union to dissolve other institutions which were not so guaranteed. With respect to the other Act to which the hon. and learned gentleman referred, and in which he felt a more direct interest—namely, the Act to reform the representation of the people in Ireland—he must say that, although he opposed that Act; although he thought the power it gave was dangerous, yet he must also contend that there was no analogy between a reform of the representation of the people and municipal reform. In the first place, the hon. and learned gentleman assumed that the opposition were opposed to all municipal reform in Ireland, and he exclaimed, “You who are opposed to corporate abuses in England and Scotland, how can you sanction their continuance in Ireland—having corrected them in one part of the kingdom, how can you refuse to correct them in another?” He denied that the opposition refused to reform abuses in Ireland. They professed their readiness to correct abuses, but they did say that they would not consent to the re-establishment of corporations in Ireland, and to the perpetuation of similar abuses under another name. They were ready and willing to remedy every just cause of complaint connected with the ancient corporation system in Ireland. Therefore, again, he said that the hon. and learned gentleman had no right to taunt those who brought forward the bill for a reform in the representation of the people of Ireland with inconsistency, because, according to a false assumption of his own, they refused to redress abuses in the Irish corporate system. It was absolutely necessary, he apprehended, to the existence of the constitution, and of the government of this country, that an Imperial Parliament should exist. If, then, a more direct control were given to the people of this country over the election of the members who composed the House of Commons, could a similar power of control be refused to the people of Ireland? In justice it could not. And as regarded the present measure, if they proposed to retain the corporations in Ireland, and to exclude the Roman Catholics from an equality of privileges, then he admitted that they would be open to the objections of the hon. and learned gentleman. In the case of the reform of parliament, it was absolutely essential to retain the parliament: and as an extension of privilege had been given to the people of England, it became necessary that a similar extension of privilege, as regarded the right of election, should be given to the people of Ireland. But on the present occasion the question was—Is it for the good of Ireland—is it for the welfare of the people of Ireland—is it absolutely essential to the pure and impartial administration of justice in Ireland, that corporations in that country should continue to exist? That was the point upon which the two sides of the House were at issue. The hon. and learned gentleman had referred to the part which he took in proposing the Act of 1829 to parliament. The hon. and learned gentleman was well aware that the expectations which were formed with respect to that Act had been disappointed. The hon. and learned gentleman knew that the most confident anticipations were entertained, that the effect of that Act would be the diminution of religious animosities, and the restoration of political concord. It was in vain to deny that it had not had this effect. It was in vain to deny that there existed at this moment as much acerbity of party spirit as existed during the political disabilities on the part of the Roman Catholics. But, as he had said before on a former night, that fact did not alter his view of this question. He believed then, and still believed, that in the then state of public opinion in Protestant England—with the Protestant mind in Ireland inclined for its concession—with a parliament so closely divided in numbers, that it was impossible to say what might have been the result of a division—with the Protestant mind so nearly equally balanced—he thought then, as he thought now, that there would have been greater danger to the Protestant interests in continuing a resistance to Catholic concession, than in determining to settle that question; and certain events which occurred shortly after that measure was passed, made him rejoice at the removal of all political distinctions between Catholics and Protestants. But the hon. and learned gentleman's argument was this—“Notwithstanding the failure of all your expectations—and I admit that political and religious animosities still exist—yet they continue to exist because you have

not gone far enough—you must make still further concessions, and then the expectations you originally entertained will be fulfilled.” Had the hon. and learned gentleman any foundation for that argument? The hon. and learned gentleman had found it necessary to account for the failure of the Emancipation Act. He said that it was conceived in an ungenerous spirit, and that, at the moment when the Act was passed, we continued the exclusion of an individual, the hon. and learned member for the city of Dublin, who had been elected for the county of Clare. In considering the whole of one connected and comprehensive scheme, it was very easy to select a small incident in it, and say, “The refusal of this one thing has vitiated all the rest—this ought to have been a prominent part of the measure.” But, in the first place, he disclaimed altogether any personal motive or feeling on the occasion. For those who conceded the measure of Roman Catholic relief to have thought that it was any compensation to them to have visited a single individual with an exclusion that could continue only for a few minutes, was a most ridiculous supposition. What they had to consider was, the best method of effecting their object; and upon the whole his belief was, that they took the course most likely to effect the object they had in view; namely, to pass that Act, which was a work of no small difficulty, through both Houses of parliament. But what was the exclusion of the hon. and learned gentleman? He was elected for the county of Clare under a state of the law which, whatever might be its policy, actually excluded him. He was elected at a time when he knew that an oath would be administered to him which he could not conscientiously take. The object of the Relief Bill was to provide that Roman Catholics should in future be qualified to sit in parliament without the necessity of taking that oath. The hon. and learned gentleman (Mr. Sheil) said, that we ought to have provided that those who had been previously elected ought to have been entitled to sit in parliament, notwithstanding the enactment of the law, which practically prohibited their sitting there. When they now heard of the intimidation under which he and his colleagues at that time acted, what, if he had proposed that the hon. and learned gentleman (Mr. O’Connell) should, notwithstanding the law, have been entitled to a seat in parliament, would have been said then upon the subject of intimidation? The hon. and learned gentleman had said that all feelings of gratitude for the Act of 1829 were lost. He would not speak of gratitude; no gratitude was claimed, for it was the performance of a public duty, for which no gratitude was due. But the hon. and learned gentleman had said, that all the substantial benefits of that Act were forgotten by the Roman Catholics, because one individual was deprived of his seat during the then existing parliament; and the hon. and learned gentleman, by his argument, implied that the hon. and learned member for the city of Dublin had been induced to take the course he had since done, in consequence of that step. Far be it from him to pass so bitter a satire upon any one as to say, that, from personal disappointment and exclusion, he should take a political course which he should not have done under other circumstances. But he believed that the feelings of the Roman Catholics, with regard to the passing of that Act, and their feelings towards the authors of it, were not identical with those which had been expressed by the hon. and learned member for Tipperary. He held in his hand a letter, which was addressed to him in 1830, by one of those whose political disabilities were removed by that Act of Parliament. It was written soon after the dissolution of the government of the Duke of Wellington. It was in these terms:—“You have retired from office. A great portion of my political life has, I trust, been fairly and honourably opposed to yours. You have made ample amends for what I deemed your public sins, in carrying the Relief bill, and applying your great talents and attainments to the success of that truly national measure. You have made the greatest sacrifices that a statesman or politician could be called on for—human passions, and human feelings, to the sense of justice, reason, and conviction. While you, Sir, were in power, the humble expression of my gratitude for the benefits conferred on my country by that all-healing measure, may have been, by minds of a less manly and noble cast than yours, imputed to other motives and feelings than those which now animate me; I can have at this moment no other motive than that which I really profess—a deep sense of gratitude for the solid and lasting advantages you have procured for Ireland by your noble and disinterested exertions for her peace and prosperity, manifested by the splendid and powerful aid you gave the Relief bill

in the Commons House of Parliament. Receive, then, Sir, the thanks and gratitude of an Irishman, long and arduously engaged in the service of his country, and who, on that account, may be better able to appreciate the extent and value of the services you have, by this single measure, conferred on Ireland and the empire; and accept, Sir, in your retirement, the best wishes for your welfare and happiness in that honourable retirement." Certainly, this letter gave a direct negative to the statement of the hon. and learned gentleman as to the feelings of the Roman Catholics with respect to the Relief bill. The letter must have been written from the most disinterested principle, postponed as it was until the day he retired from office. It was written by Nicholas Purcell O'Gorman, late secretary to the Catholic Association. He referred to that letter for the purpose of showing that the hon. and learned gentleman had no right to assume that the passing of a bill by which Roman Catholics were altogether relieved from political disabilities, had failed in its healing effect because it was coupled with a refusal to permit the hon. and learned gentleman (the member for Dublin) to take a seat in that parliament. Then the hon. and learned member for Tipperary had said—"You passed that bill in 1829; why did you not pass it in 1825? Don't you know that in 1825 the measure of relief then proposed was accompanied with provisions which you ought to have accepted, but which did not accompany the act of 1829, and the separation of which from that measure accounts for its subsequent failure?" He was never more surprised than by that statement of the hon. and learned gentleman. The two measures accompanying the act of 1825 were—one of them the extinction of the 40s. freeholders, and the other a provision for the Roman Catholic priesthood. The first of these was passed in 1825, and if the hon. and learned gentleman attached any great importance to the healing effects of that measure, he had all the advantage of it. With respect to the provision for the payment of the priesthood, he had never heard that the Roman Catholics were warm advocates for that measure. He recollected that many of the most strenuous advocates for the removal of Roman Catholic disabilities contended, that an offer of a pecuniary stipend to the Roman Catholic priesthood was little less than an insult to their Church, and he did understand that both the clergy and laity of that Church protested against any provision for that Church being made a component part of the measure of relief. For the hon. and learned gentleman now to argue that the measure of 1829 had failed, and that the Roman Catholic priests continued the system of agitation and excitement, because no provision was made for them in the bill of 1829, surprised him, and he should have expected such an argument from any other rather than from the hon. and learned gentleman. Was there any inconsistency, then, in removing disabilities in 1829, and in now consenting to dissolve the Irish corporations? The hon. and learned gentleman said, that the act of 1829 provided a new oath for Roman Catholics on their entrance into corporations, and he condescended to argue that the act of 1829 gave the Roman Catholics a new and special interest in the Irish corporations; and he afterwards almost asked (for, said the hon. and learned gentleman, God forbid I should ask), whether it were consistent with his (Sir R. Peel's) honour and good faith, after the admissions made in the act of 1829, now to propose the dissolution of those Irish corporations? He must say, that in the course of his argument, the hon. and learned gentleman, trusting no doubt to the House being led away by his brilliant phraseology, had drawn very largely on the good-nature or credulity of his hon. friends around him. Why, in another part of the hon. and learned gentleman's argument, he attempted to show, and very justly, that in the year 1793, the Roman Catholics had, so far as law was concerned, a qualification to be admitted into corporations: and his argument was, that as they had it before the Union, it was a violation of the Act of Union to interfere with the Irish corporations. Now, what was the enactment of the bill of 1829? It merely provided, that instead of Roman Catholics being liable to take the oaths of supremacy and allegiance before being admitted to corporate privileges, they should be qualified for that admission on taking the oath, on the taking of which they were admitted to all other civil offices. But how could the hon. and learned gentleman argue that there was any thing inconsistent with honour and good faith for him (Sir Robert Peel), while corporations were in existence, to support such a provision, and yet now propose—what? not to give Protestants some separate and peculiar privilege; but that the corporations themselves should be altogether dissolved and done

away? The hon. and learned gentleman had said, that the same objections applied to the removal of the Roman Catholic civil disabilities as were now urged against this measure; but nothing could be more fallacious. What was the case of the Irish Roman Catholics with respect to civil disabilities? Offices existed, and it was necessary to maintain them. But originally every avenue to distinction was closed against them in the military and naval professions, and in civil offices. Was there any analogy between the placing a Roman Catholic on a footing of equality with respect to a Protestant, who had previously the exclusive possession of those offices, and that of saying that there should be no longer any monopoly of privilege to either party in these abused institutions? You say these institutions have been abused—we say they shall be abused no longer; but this we hold to be consistent with the first principle of equity, that if you destroy monopoly and exclusion on the one hand, you shall not, by an abuse of terms, establish and confer it on the other. Would it by this bill be established? What was the admission of the hon. member for Northampton, a member of his Majesty's government? An admission repeated when cheered. Did he say that it was a great source of satisfaction, when he contemplated this bill, that it would give power to the majority of the country? Did he put his argument in that form? No. He said this—"Whereas you, the Protestants, have hitherto held power; you being a minority, I do rejoice in passing an act which shall hereafter place the possession of power in the hands of those who were to the minority as seven to one." In order to point his argument, and to show that the hon. gentleman did not unwarily prophesy that the consequence of this measure would be to transfer the power from the hands of the Protestants to the Roman Catholics, he stated the proportions of the Roman Catholics to the Protestants, and exulted in the result; not that the Protestant would continue to maintain his fair share of corporate privileges in proportion to his intelligence and wealth, but that the result of the measure would be, by some sort of sinister procedure, an unqualified and unmitigated exclusion of the Protestant. It would be a transference of power precisely to that majority, of which the Roman Catholic population of that country formed a part. Believing with the hon. gentleman, generally speaking, that it would have that effect—not that every person elected to these corporations would be a Roman Catholic, but that those who were elected, though belonging to other professions of faith, must, in order to insure their election, be subservient to the Roman Catholics, must promote Roman Catholic objects. He feared that result, and therefore he protested against this bill. Even admitting the *prima facie* force of the argument in favour of establishing analogous institutions in England and Ireland, if he found a still more sacred principle intervened, and that the effect of the measure would be to exclude those who had the monopoly now, and transfer the power altogether to the hands of the excluded; he must conclude that the pretended adjustment of the balance was a false one, and that they had no right, under the pretence of consulting analogy, to violate that sacred justice which was predominant over all. He had often heard that these exclusions were the greatest grievances under which the Roman Catholics of Ireland laboured; but if the monopoly were to be transferred to those possessed of the power which physical strength and numbers gave the preponderance, the grievance would be infinitely more galling to the Protestant than any thing hitherto felt by the Catholic. He had heard, before this bill was thought of, of the dangers arising from local partialities in the administration of justice. He recollected reading a letter on the subject of the Lords-lieutenant in Ireland, addressed by the hon. and learned member for Dublin to Lord Duncannon, in 1834. The ministers of that day found Lords-lieutenant in England, and then appointed them in Ireland, upon the principle of adopting analogous institutions in the two countries. The noble lord, the then Secretary for Ireland (Lord Stanley), with the consent of Lord Grey and his government—for whom, let him (Sir R. Peel) remind the hon. and learned gentleman, a grave as deep was dug in Ireland as ever was dug for him, and he had at least that consolation in the tomb, that others who had lauded the Roman Catholics, and had received their encomiums for attachment to their cause, were now treated with the same neglect and contumely as he was—the noble lord on that occasion had no compliments paid to him for adopting English analogies, but he was warned that they might be the means of provoking local prejudices, which might endanger the pure

administration of justice. The letter ran thus:—"This section shall dispose of your Lord-lieutenancies of counties. It should be observed, that we owe the existence of these offices to Stanley. It was one of his presumptuous plans, and as bad as such a measure could possibly be." Let the House observe that this was the impartial testimony of a person given long before the Irish Municipal Bill was in contemplation. These were the arguments by which the adoption of English analogies were reprobated, and by which it was shown, that the adoption of such analogies would never reconcile the people to them, if they were not calculated to place power in the hands of the Catholics. The letter continued:—"In fact, one great complaint of the Irish people has been against the practical operation of local partialities. This, above all things, was complained of in the magistracy. The remedy would have been to increase the vigilance, and particularly the responsibility of the Chancellor and of the government; instead of which, the direct contrary course was pursued, and indeed turned into law by Stanley. He created a local authority, necessarily imbued, either through religious differences or election contests, with local partialities; thus, in its nature, aggravating the evil complained of with justice, whilst it took away, or at least greatly diminished, the responsibility of the Chancellor and of the government, and shifted that responsibility upon the Lords-lieutenant of counties." The chances of interfering with the local administration of justice by partisans was here described as one of the great grievances of Ireland, and would not, he asked, the transfer of power in corporations from one sect to another increase the just causes for this complaint? That was the argument used by us as far as the administration of justice was concerned, but applying with tenfold greater force in this case than it did to the appointment of Lords-lieutenant, who had no power to appoint magistrates without the consent of the Lord Chancellor. In the instance alluded to, it appeared, on the authority of the letter quoted, improper to maintain the English analogy; yet that analogy was now contended for, and his Majesty's government distrusted a creature of their own brain. They had given to the English corporations the power of appointing their sheriffs, and yet they had admitted that such was the state of Ireland, no popular assembly could be trusted with the election of the officer by whom juries were to be selected, and therefore without a division, they had withdrawn so much of their bill as had reference to that point. They had given to English corporations the power of appointing their own police—that power was denied to Irish corporations. Again, they had taken from the jurisdiction of the corporations the ports and harbours of such towns as had ports and harbours. He taunted not the government for these changes, because on the dictates of their own consciences the alterations had been made. Those alterations diminished some of the objections he had to their bill; but they served to increase the force of all the arguments against the necessity of establishing similar laws for the two countries. The government had, by this measure, created in the fifty boroughs specified by the bill as many political assemblies, and, distrusting those bodies, had removed from them their proper municipal functions. Why should they not have the control of their police, the administration of justice, and the management of their ports and harbours—all proper municipal duties—but that they were distrusted? In short, what was left to them but the duty of political agitation? It was true that their functions as corporators were narrowed and circumscribed, but the intensity of political agitation was increased by this measure, and if ever there was a scheme calculated to engender and increase religious animosity, political feuds, and laxity of the expenditure of the public money, it was that contained in the provisions of the bill now under the consideration of the House. By its powers were given to the council to tax their constituents for the payment of the salaries of the mayor, recorder (where there existed such an officer), the treasurer, and (in the extensive liberality of the right hon. and learned Attorney-general for Ireland) "all such other officers as they should think fit to appoint." He (Sir R. Peel) was very much inclined to think that the predominant party would not use their powers very lightly. He would take one of the towns about to be blessed with a corporation; Belurbet, for instance, a town of 2,000 inhabitants, was to have a corporation to tax those inhabitants for the maintenance of a mayor, treasurer, and all other officers that body might think fit to appoint. On what principle Belurbet was included in the schedules he was at a loss to know, when

some other towns, with populations of more than 2,000 were not mentioned. Where was the town of Ardfer, much more populous than Belturbet, though it was in the report described as a village? It might be that the revenues of Belturbet made it desirable that it should have a corporation. Why, it appeared that it enjoyed a bequest producing £9 a-year, of which £5 was required for a debt still owing, so that £4 was the clear net revenue, which large bequest of £9 was to entitle it to be taxed for the support of all the functionaries of a corporation. Belturbet, however, was the lowest in the scale, and he would now take the highest, Dublin, which nobody would deny ought to have a corporation. The bill, therefore, most certainly gave Dublin a mayor and town-council, but it gave them no right to appoint their sheriffs, no power to nominate the recorder, that being reserved to the Lord-lieutenant, and it was expressly provided, "Nothing in this Act contained shall enable the commissioners for paving, cleansing, and lighting the streets, or the commissioners for widening the streets, or the corporation of commissioners for the improvement of the port and harbour of Dublin, to transfer their powers to the new corporation." Here then was a corporation destitute of corporate functions, and what other inference could be drawn from this, but that the intention of depriving the council of municipal functions was for political objects? He hoped the right hon. and learned gentleman would consent to leave out the latter part of this bill; if not, as they had failed to amend the bill, he felt bound to reject it. What had the English commissioners of municipal reform said in their report? Why, that the perversion of municipal institutions to political ends, had betrayed local interests to party purposes. Would not this be the case in Ireland under this bill? That sentence from the English report was one of condemnation on this measure, which would tend to pervert Irish municipal institutions to political ends, and through the corruption of corporations, lead to the demoralization of the constituent body. It had been said that the spiritual influence of the priesthood had caused the removal of Catholic disabilities; that might be true, and it might be a case in which such influence was legitimately exercised. But when the hon. and learned gentleman went on to say, that the influence caused the reform, could he be surprised, when he admitted, and gloried in the admission, that that influence was exercised for the promotion of a civil object—could he be surprised if they on his side refused to create new organs, by making fifty popular assemblies through which the same influence might be exercised for civil objects? Was it he (Sir R. Peel) who introduced religion into that discussion? Was it he, when the hon. and learned gentleman referred with triumph to the annihilation of the power of the Beresfords in one county, to the extinction of the power of the Fosters in another, and to the influence of the Roman Catholic clergy? He said, then, for the sake of the religion which they all professed, that in his (Sir Robert Peel's) opinion, it would not conduce to the legitimate influence of property in Ireland, to the maintenance of due respect for religion, or to the safety of the Protestant institutions, to create this new sphere for the exercise of the influence to which the hon. and learned gentleman had adverted. In his opinion, the elections for these new institutions would be embittered by a spirit of party hostility far beyond any that was excited by political elections; acting, as these elections would, in a smaller sphere, and repeated as they would be more frequently, he believed, in his heart, that they would do more to widen and to perpetuate religious animosities than any election for merely political purposes would ever do. "And, Sir," continued the right hon. baronet—"and Sir, to conclude, I must say, that after the hon. and learned gentleman's boast, that the spiritual influence of the priests had been thus exercised, and after the exaltation he expressed at the annihilation of property by means of its exertion, I was surprised to hear him make an invocation to that pure ambition which ought to disclaim any reference to temporal objects, trusting, at the same time, that this influence would be exercised to abolish completely that odious impost, as he termed it, in memory of which we ought every night to address our prayers to our Creator for the murders at Rathcormac and other places which he named. If this be the way in which this influence is to continue, if this be the mode in which the Act of Union is to be maintained, you may pass what Act of Appropriation you please, reserving some portion of the property of the church to Protestant purposes; but you will not succeed, for the hon. and learned gentleman has intimated his belief that the Roman



Catholic clergy will be justified in continuing to exercise their spiritual influence in civil matters till their own ends be attained. Under these circumstances, I must say, while I maintain my determination to place the Roman Catholics of Ireland, as far as they can be, on a perfect footing of civil equality with the Protestants, I will not consent to the establishment of institutions which will be destructive of that equality, and which will afford a new scope for the exercise of that influence, which the hon. and learned gentleman thinks may be legitimately directed against the existence of the Protestant Church. I do feel justified, therefore, in withholding my assent to a measure which will be the signal for fresh animosities, which will be fatal to internal peace, and which will endanger the security of the Protestant Church and Protestant Establishment in Ireland."

On a division the numbers were—Ayes, 260; Noes, 199; majority, 61. The Bill was read a third time, and passed.

## APPOINTMENT OF MAGISTRATES.

MARCH 29, 1836.

Lord John Russell, in consequence of what had been said upon the subject in another place, moved that there be laid before the House a copy of a circular letter from the Under Secretary of the Home Department, dated in October last, and addressed to the Mayor or chief officer of any boroughs contained in the schedules to the English Corporations Bill passed last Session.

SIR ROBERT PEEL said, the noble lord had made the motion in the hands of the speaker, partly with a view, he believed, that he might have the opportunity of soliciting from the noble lord those explanations regarding the appointment of corporate magistrates to which he had referred on a former day. He trusted, therefore, as he availed himself of the motion of the noble lord, in consequence of an intimation that the present would be a convenient time, that he should not be thought by those gentlemen who had notices on the paper preceding his own, to have improperly interfered with the ordinary arrangement of business. The point on which he wished for explanations from the noble lord referred exclusively to the nomination of Justices of the Peace under the Act which passed last session for the reform of Municipal Corporations. It was not his intention to make any remark on the general effect of that measure, other than as it related to the functions of magistrates appointed for the performance of the duties of Justices of the Peace. He believed it was admitted by the noble lord, and by all who took part in the question of Municipal Reform, that there was and ought to be a clear distinction between the ordinary municipal duties of a corporation and the duties committed to justices of the peace. That clear distinction had been admitted by no man more fully than by the noble lord. While that noble lord had contended, that with respect to the appointment of town-councillors, and other members of the corporate bodies generally, it was but natural to suppose that the political opinions of the constituent bodies would have influence, while he contended that such would be the effect of political feelings in those cases, he had fully admitted that political opinions should not interfere with the appointment of the municipal magistrates. This distinction had also been clearly drawn, he thought, in the report of the commissioners of inquiry, on which the measure of municipal reform had been founded. The commissioners, in this report, deprecated the party spirit which pervaded municipal councils, in the following terms:—"The party spirit which pervades the municipal councils, extends itself to the magistracy, which is appointed by those bodies, and from their members. The magistrates are usually chosen from the aldermen, and the aldermen are generally political partisans. Hence, even in those cases in which injustice is not absolutely committed, a strong suspicion of it is excited, and the local tribunals cease to inspire respect. The corporate magistrates, generally speaking, are not looked upon by the inhabitants with favour or respect, and are often regarded with positive distrust and dislike." In another part of the report the commissioners say, "One vice which we regard as inherent in the constitution of municipal corporations in England and Wales is, that officers chosen for particular functions are regarded as a necessary part of the legislative body. This notion appears to have originated in times

when the separation of constitutional authorities was not understood; when legislative, judicial, and executive functions were confounded. The corporations of England and Wales were originally framed on principles encumbered with this confusion, and have been modified, down to the latest changes, with a scrupulous observance of them." Thus the report admitted a distinction between executive and judicial functions, and laid it down as a principle, that although party spirit could not be prevented from operating in the election of town-councils, it ought, so far as precautions could be taken, to be excluded from the appointment of municipal magistrates. It was hardly necessary to attempt to enforce this position by argument, because he believed the truth of it was universally assented to on all sides of the House. He found on the part of the members of the present government, this doctrine admitted in full force. He found it stated by the Lord Chancellor in the course of the present session, that "the noble lord, the secretary of state for the home department, had but one object in view, namely, to correct any undue selection of town-councillors, when there appeared a preponderance of one class of political opinions on one side or the other, by infusing a few men of opposite political sentiments among them." The noble president of the council also had stated with great truth and justice, that "good sense and good feeling would be equally manifested in the absence of all political bias in the selection of town magistrates, and good sense and good feeling equally dictated that there should be an absence of all considerations of a political character in nominating these magistrates when recommended to the government." He (Sir R. Peel) could appeal, then, to the report of the commissioners, and to the declared opinions of the noble lord opposite, and his colleagues, in proof that his assumption was a well founded one—namely, that, as far as it was possible to avoid it, political feeling ought not to influence the nomination of magistrates in corporate towns. Having thus stated the principle which had been laid down by ministers, he was bound to tell the noble lord opposite, that in many of these corporate towns there did exist a very prevailing feeling that considerations of a political character had, nevertheless, been altogether excluded from the mind of the noble lord in the nomination of many of these magistrates. This might probably be an erroneous impression; if it were, the noble lord would thank him for the opportunity of removing so unpleasant an impression, by clearly stating the grounds upon which the various nominations had been made. The noble lord would do him the justice to admit, that he had not brought forward his statement on this very important subject, without having given the noble lord previous notice of the particular places to which it was his intention to refer. His object had not been to take the noble lord by surprise, by making any statement on the sudden, but to enable him to give a satisfactory explanation, if he could do so, to those members of the community in the towns to which reference was about to be made, who felt dissatisfied with the appointment of the magistrates in those towns, and who were under an impression, whether erroneous or not remained to be seen, that political feelings had been suffered to influence these appointments. It would be necessary for him to mention one or two instances, out of the many, of towns in which such impressions as those he had referred to, he had reason to believe, prevailed. Since the notice of his intention to call the attention of the House to this subject, had been given, he had received a number of communications from various places in reference to it, but he should only bring before the House those particular instances of which he had given the noble lord notice. In the first place, he would take the town of Guildford, in Surrey; and he must say, that he could not at all reconcile the nomination of the magistrates for that particular town with the principle which had been so clearly laid down by the noble lord and his colleagues, to exclude, as far as possible, all political considerations from the nomination of municipal magistrates. In the town of Guildford it happened that the corporation was decidedly of Conservative principles; that was to say, that the vast preponderance of numbers in the corporate body there entertained Conservative views. After passing of the municipal reform bill in this House, and during its progress in the upper House, when the lords had altered that clause of the bill which gave expressly to the town-council the power of recommending four magistrates to the nomination of the Crown, the noble lord opposite declared, and in his (Sir Robert Peel's) opinion, rather unwisely, that it was still his intention to consult the town-councils in reference to the nomination of municipal

magistrates. But, supposing that he were prepared to admit the noble lord was right in taking the opinion of the town-council in reference to the election of four magistrates, still he could not reconcile the fact of the selections which had been made, with the noble lord's declaration that the recommendations of the town-council should have great weight with him, because it appeared to him that while there were cases in which the recommendations of the town-council had been admitted by an entire and unqualified assent, there were many others in which the recommendations of the town-council had been arbitrarily rejected. In the corporation of Guildford, as he had before stated, Conservative principles greatly predominated. According to his information, the common-council of that town had recommended to the Crown twelve gentlemen for the commission of the peace, expecting that the noble lord should select, from the twelve so recommended, a sufficient number, they being of opinion that twelve magistrates would be unnecessary for such a town as Guildford. Of these twelve gentlemen as he had been informed, nine entertained Conservative principles, and the other three were Whigs. From these twelve gentlemen the noble lord had selected four persons to act as magistrates for the town, namely, the three Whigs and one of the Conservatives. The proportion (in point of political opinions) in which the town-council had recommended the names of gentlemen for magistrates was as three Conservatives to one Whig; but the ingenuity of the noble lord had led him exactly to invert this proportion, for in selecting four magistrates from the twelve persons recommended to him, he had taken all the three Whigs; and only one of the nine Conservatives. Eight out of the twelve had been aldermen of the old corporation; upon being told this fact, he had at first thought that the principle which the noble lord had acted upon in this case was, that there being eight persons out of the twelve who had been members of the old corporation, and assuming, in accordance with his views of the ancient corporations, that they must, therefore, be necessarily unpopular, it would be best to set all of them aside. This, however, could not have been the principle upon which the noble lord made his selection; for, in fact, two of the gentlemen professing Whig principles, nominated by the noble lord, had been members of the old corporation, and that could not be the ground upon which the other gentlemen had been rejected. In this case a town-council, in which Conservative principles preponderated, had sent a recommendation to the Crown of a number of gentlemen, as town magistrates, comprehending in the list a fair proportion of persons of Conservative and persons of Whig principles. After the observations of the noble lord, on a former occasion, that he would attend to the recommendations of the town-council, it was surely matter of reasonable disappointment on the part of that corporation, to find the proportion of the recommendations they had sent in exactly inverted. So much for Guildford. He would next take the case of the town of Wigan, the circumstances of which case were precisely the reverse of Guildford case; for in the corporation of Wigan, Conservative principles were not predominant. He should adduce this case, however, for the purpose of showing that the same political feelings which influenced the choice of town magistrates in Guildford, had operated in the choice of those for Wigan, for there he found that the magistrates nominated were wholly of one class of political opinion—namely, Whigs; and those gentlemen of the town who professed other opinions, however respectable, were entirely excluded. For the town of Wigan eight gentlemen had been recommended to the Crown as magistrates, all of whom were appointed. He did not for a moment wish to throw the slightest reflection on the personal character of any of these gentlemen, nor to impugn their individual fitness for the office; but he complained that the government had departed from the principle which had been generally admitted, that political feelings should not be permitted to influence the choice of justices of the peace. Of these eight gentlemen, it appeared that four were actively engaged in trade. Now in a manufacturing town like Wigan, where constant disputes were taking place between master-manufacturers and their men, he doubted the policy of appointing four persons actively engaged in trade for the purpose of settling those disputes. At least he, from his experience, should have hesitated before making such appointments, particularly as it must be part of their business to enforce the provisions of the act for regulating the hours of factory labour. He had also been informed, that seven out of these eight gentlemen were active friends of the candidates at the last election of representatives for that borough; that two of them acted as mover and seconder of the unsuccessful candi-

date, and that five were zealously employed upon the committees of one or the other candidate, and were, throughout the election, very busy in canvassing for them. In short that, with the exception of one gentleman, the whole of the present town magistrates of Wigan were, during the election, most actively (no question most honourably) engaged in promoting the return of candidates who supported one class of political opinions. Here then, was a case in which the recommendations of the town-council were entirely assented to, apparently because the whole eight of the gentlemen named, were persons warmly devoted to those political opinions which were espoused by the ministers. He had been further informed that an application had been made to the noble lord, by petition, imploring him, upon principle, to pause before he made such a selection, and expressing a wish that there should be exhibited in the choice of these judicial functionaries a fair and less exclusive representation of the various political opinions entertained by the inhabitants of Wigan, but that representation had not been attended to. He would next take the instance of a town differently circumstanced, in which also there existed a very great dissatisfaction upon this subject. He would take the case of the town of Rochester. In this town parties were very nearly balanced in the municipal council, for there were nine gentlemen professing one class of political opinions, and nine professing another. Indeed, such was the perseverance with which each party adhered to their respective opinions, that upon repeated divisions in the attempts to elect a mayor and other corporate officers, and finally to adjourn, the numbers on every proposition remained nine for, and nine against, and no proceedings could take place, because the parties were equal. Under these circumstances, it was determined not to recommend to the Crown any list of persons for town magistrates till the town-council was complete, and they could concur in a joint representation. The complaint against the noble lord in this case was, that he had appointed certain persons to be magistrates, not merely favouring gentlemen of one class of politics or another, but without even the recommendations of the town-council; that he had, in short, appointed municipal magistrates for Rochester, at the nomination of the hon. representatives of that borough in parliament. It was not stated that the whole of the six magistrates so appointed were of one party, but the proportion in favour of ministers was not fewer than five to one, and there was, very naturally, a great feeling of dissatisfaction in the minds of the people of Rochester, that the noble lord should have taken this step without waiting till the town-council was complete; and that having determined to take it, seeing the division of opinion in the town-council, he had not observed a corresponding proportion in his appointment of their municipal magistrates. The proportion of political opinion in the town-council was closely balanced; the proportion observed in the selection of magistrates was exactly five Whigs to one Conservative, which was fairly carrying out the principle which the noble lord and his colleagues had avowed. There was another place in which he could undertake to say, very great dissatisfaction prevailed upon this subject—the city of Coventry. In this important and populous city, whose inhabitants were extensively engaged in manufactures, the political opinions of one class decidedly predominated; nearly the whole of the town-council entertained political opinions corresponding with those of his Majesty's ministers. The town-council of Coventry, accordingly, sent up a recommendation of twelve persons for town magistrates, and he (Sir Robert Peel) was assured that out of these twelve persons, eleven, at least, entertained opinions corresponding with those of the town-council. It was very possible, when he spoke of Conservative opinions and Whig opinions, or any other class of opinions, that the noble lord might ask how he defined such opinions, or how he could undertake to say such and such gentlemen entertained such and such opinions? He admitted, that it was somewhat difficult to apply an unerring test on these points, but in order to approach at something like a solution of the question, he would ask how the respective parties voted at the preceding election? He was quite ready to admit that it was difficult—particularly for a stranger, acting merely upon communications, however trustworthy—to feel assured of the political opinions of any individuals. Trifling circumstances led men to range themselves under the banners of one party or the other, and men changed their opinions and their parties, so that it might happen that occasionally opinions should be attributed to a person who had long ceased to entertain them. But as far as the fair and impartial administration of justice and the satisfaction

connected with it was concerned, it must be admitted, that when it was found that the whole of the municipal magistrates who had been appointed by the noble lord, or at least a vast majority of them, consisted of the particular persons who, at the last or the preceding election, gave their votes in a particular manner, favourable to the noble lord's views, this was certainly a near approach to a test which might be depended on. The noble lord, at least, must not be surprised that his course of proceeding excited in that part of the population which held different political opinions something like a feeling of distrust. He would repeat, that in the observations he felt called upon to make, he had no fault to find with the individuals appointed—he made no personal objection to them. His complaint was directed, not against any personal unfitness of theirs, but upon the partiality which characterized their appointment. Of the twelve magistrates for Coventry, eight had votes for the city, and the whole of them had voted in favour of the sitting members. The other four had not votes for the city; but one of them, a gentleman of high respectability, Mr. Gregory, was an unsuccessful candidate on the Whig interest for the county of Warwick at the last election. Another of the four gentlemen, the Mayor of Coventry, was Mr. Gregory's proposer on that occasion, and the other two had been actively engaged in his support. Such was then the composition of the municipal magistracy of Coventry, although it was well known that in that city, various political opinions prevailed. There were in that town men of the highest respectability and influence, of different political opinions, but who were persons of one class of political opinions, and that class the one in unison with the views of the noble lord. Such were the grounds of the dissatisfaction which was felt in the city of Coventry at the proceedings of the noble lord in this respect. He would next take the case of the town of Leicester. The number of the magistrates here was ten, and he was informed that of these ten, eight were actively engaged upon the committee of Messrs. Ellice and Evans at the last election, in opposition to Messrs. Goulburn and Gladstone, and that not one of the ten voted for either of the latter gentlemen. It certainly did appear from these cases, in the absence of all explanation, exceedingly difficult to suppose that political considerations had nothing to do with these nominations. The noble lord, at least, must not be surprised, unless he could explain the matter satisfactorily, that those who were excluded should feel some distrust in the elected, and some suspicion—not founded upon personal unfitness, but upon the fact that they all, with trifling exceptions, held one class of political opinions, and had all, at one time or another, been actively engaged in promoting the election to parliament of persons who supported the present ministry. Another case he should speak of was that of Plymouth, where eight gentlemen had been recommended to the noble lord as magistrates, and were appointed. Of these eight, it appeared that two were the representatives for the town, both supporters of the ministers, and of the others, five were actively engaged in supporting the noble lord at the election for the county of Devon. The sixth gentleman had declined to act. Thus it appeared that the seven town magistrates of Plymouth were all of one class of political opinions. There was another point to be remarked upon in this case. It had been expressly laid down by the noble lord as a principle to be observed, that neither attorneys nor brewers should serve as magistrates in the municipalities, yet it appeared, not merely from private communication, but from the returns made by the noble lord, that one of the town magistrates of Plymouth was Mr. James King, a brewer. It remained to be shown upon what principle the noble lord had made this exception to the rule the noble lord had laid down. The last case to which he (Sir Robert Peel) should refer, out of the more prominent and important towns in which dissatisfaction prevailed upon this subject, was the case of the city of Bristol. In the corporation of that city, he believed conservative opinions greatly predominated, and the vast majority of the inhabitants of the city, were equally imbued with Conservative opinions. Notwithstanding this predominance, there was in the town-council a complete agreement as to the choice of names for magistrates, and there was evinced an earnest wish—much to the credit of both parties—to exclude all electioneering or party feelings from the selection of town magistrates, and though one class of political opinions was greatly predominant in the city, yet the prevailing party expressed a perfect readiness to exclude all political feelings and influence from the consideration of who should be recommended as magistrates. A discus-

sion took place in the council respecting the nomination of magistrates: the two parties made some difficulty at first as to the principle on which the recommendation should be given; an amicable arrangement was at last effected; and it was agreed that each of the two parties should recommend twelve persons for magistrates, making an aggregate of twenty-four. The twelve names given in by the Conservative party were recommended unanimously by the town-council. There was no division respecting any one of those names, nor any dissenting voice, with one single exception, raised to any one of them. There was some question upon individuals among the twelve gentlemen recommended by the other party, but upon the whole, the twelve so recommended were assented to by the council, and the whole twenty-four names, in consequence of this amicable and honourable compromise, were sent up to the noble lord for selection. What was the surprise and indignation of that predominating party in Bristol who had consented to this arrangement, to find that the noble lord's selection had been conducted on this principle—that he took the whole of the twelve who had been recommended by the party whose opinions were in unison with his own, but excluded not less than six out of the twelve, named by those of the opposite party! He was at a loss to understand upon what principle the noble lord could justify his exclusion of the other six gentlemen. It was supposed by some persons in Bristol, that the exclusion was on account of the parties having been members of the old corporation; but this could not be a valid reason, for it was shown that, in many cases, the noble lord had not made the fact of parties belonging to the old corporations a ground for excluding them from the magistracy. It might, perhaps, be thought, that the reason for the exclusion of some of these parties was, that they had been members of the corporation at the time when the lamentable riots took place at Bristol, in 1831. But neither was this the reason, for it appeared that two of the gentlemen of the Whig party, who had been appointed as magistrates, had also been magistrates of Bristol, at the deplorable period in question. Mr. Bengough was one of the gentlemen so circumstanced. Two, also, of the gentlemen selected from the conservative list were acting as magistrates of Bristol at the time of the riots; so the exclusion of the others could not have been upon either of these grounds. Some of the gentlemen excluded were men of the highest station and respectability. One was Mr. Daniel, a gentleman of such high character and worth, and who was so highly esteemed and respected by every one, that both parties had concurred in electing him as the mayor of Bristol. Upon what principle was this gentleman excluded? Some one suggested the advanced age of Mr. Daniel; but this could not be the ground, whatever his age might be. In the cases of persons in Rochester and other places, the noble lord had not considered age as any exemption from corporate office, and this could not, therefore, be made a ground of exclusion in the present instance. He had thus gone through a variety of cases, and he conceived them to be amply sufficient to entitle him not to complain of the acts of the noble lord, but at least, to call upon him for some explanation of the principles upon which he had proceeded in these nominations. When he found that in every case stated—and there were very many others of a precisely similar character—the noble lord's preference had been given to persons holding his own political opinions, to the exclusion of the best founded claims on the part of persons holding other opinions, he could not but think that there had been a complete departure from the principle that, in these selections, political considerations should have no influence. There could be no argument in defence of these proceedings, founded upon what might have obtained under the old corporation system. The precise object of municipal reform had been, to do away with all such abuses, and it would therefore, be no justification of these nominations, to say, that in the late corporations appointments were made upon a similar principle; corporation reform was intended to put an end to all such proceedings, and to give the inhabitants of towns and cities full security that the administration of all their affairs, particularly the administration of justice, should be put upon an entirely pure and impartial footing, and that all political feeling and party spirit should thenceforward be excluded from the administration of municipal affairs, so that all classes might have the fullest confidence in the persons to whom the administration of their affairs should be intrusted. Nor would it be any answer to say, that in the case of county justices of the peace, one class of political opinions pre-

dominated. Hon. members, on the other side of the House, often made statements as to the too exclusive character of the political composition of county magistrates, but whatever might be the case in this respect, it formed no grounds for another party adopting a similar plan of exclusion in the case of the town magistrates. If there were grounds for complaining of the selection of the county magistrates, it was clear they had no right to attempt to counterbalance it by instituting a similar line of exclusive appointments in the towns. He need not refer to theory upon this subject; he had but to refer to the report of the commissioners, and the statements of the noble lord and his colleagues, to affirm his position, that there was a distinction between the executive office and the judicial, and that as it seemed impossible to exclude political feelings from appointments in the former case, they ought, at least, to be excluded from the selections in the latter. He had stated a few cases which were at variance with this principle, and if the noble lord could give a satisfactory explanation upon the subject to those parties who desired to see a pure and impartial administration of justice in the cities and towns of England, his object would be more advanced, than if the noble lord were to fail in giving that satisfactory explanation.

Lord John Russell replied. Towards the close of the debate, in reply to some very severe remarks by Mr. Roebuck—

Sir Robert Peel begged to be allowed to say a few words in explanation. A part of what had fallen from the hon. member for Bath was utterly inconsistent with fact; another part was founded on a gross misrepresentation of his opinions and conduct; and the remainder exhibited as flagrant a proof of at least as much hypocrisy and simulated love of justice as the hon. member had attributed to him. Whether or not he were permitted to proceed must depend entirely on the pleasure of the House. He had, however, scarcely ever heard a speech containing so much vituperative matter as the speech of the hon. member for Bath, directed against a member who was placed in such peculiar circumstances that he had no right to reply. Although, therefore, he was aware that he was trespassing upon the ordinary rules of the House, he solicited their permission to say a few words. The hon. gentleman had declared, that as secretary of state, he had rendered his official power subservient to his political views in the appointment of magistrates. That he denied. He had never, directly or indirectly, done any such thing. When in office, he had had repeated applications from members of parliament on the subject; but he had never sought any political object in the appointment. The appointment of the county magistrates rested in fact with the Lord Chancellor; but he had never used his influence or his connexion with that dignitary, to procure the appointment of individuals as magistrates for political purposes. A part of what had fallen from the hon. gentleman was founded on a gross misrepresentation of what he had said. The hon. gentleman asserted that his (Sir R. Peel's) sole complaint was, that the people having obtained power in the appointment of the magistracy, were allowed to exercise it. That was not his complaint. His complaint was this: that where the people had exercised their power in the furtherance of conservative principles, full weight had not been given by his Majesty's government to their wishes. He had quoted the cases of Guildford and Bristol in proof of his assertion; and he had argued that if, where liberal principles predominated, they were allowed their weight, the same ought to be the case where conservative principles predominated. The hon. member for Bath assumed that the people had a right to choose their magistrates. In that assumption the hon. gentleman was in error. By the law, the people had not now the power of choosing the magistrates. But the hon. member would perhaps say, that because the town-councils, who were elected by the people, had the power of recommending individuals for the magistracy, the people had an indirect influence on their appointment. Be it so. But if the doctrine was good as it referred to those who were of liberal principles, why was it not good when it referred to those of conservative principles? He had always doubted the policy of being governed in the appointment of magistrates by either conservative or liberal town-councils; but if it was right to be so governed by a liberal town-council, it must be right to be so governed by a conservative town-council. He had mentioned the cases of Guildford and Bristol, however, to prove that that had not been the course pursued by his Majesty's government. It was hypocrisy on the part of the hon. member for Bath

—at least equal to that which the hon. gentleman imputed to him—to pretend that he was anxious to consult the voice of the people in the appointment of magistrates, while he maintained the expediency of confirming the recommendations of those town-councils whose political opinions were conformable to his own, and of setting aside the recommendations of those town-councils whose political opinions were not conformable to his own. What was that but a simulated regard for the voice of the people? “When the voice of the people,” said the hon. gentleman, “agrees with my own opinion, let it be attended to; when the voice of the people and my opinion are dissonant, let the voice of the people be disregarded; overlook the recommendations of the town-councils; and overlook the expediency of popular control.” He trusted that he had redeemed the pledges with which he had commenced his observations.

The motion was agreed to.

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### COMMUTATION OF TITHES (ENGLAND.)

APRIL 13, 1836.

Lord John Russell moved the Order of the Day for the House to resolve itself into a committee on this bill.

SIR ROBERT PEEL begged to ask the noble lord opposite, whether he proposed to make any alteration in the sums he assumed as the *maximum* and *minimum* of future tithe ratings? The latter had been fixed at sixty per cent. on the commissioners' valuation of the tithe, and the former at seventy-five. He wished also to know, whether the mode of applotment proposed would apply to the compulsory commutation which was to be effected in case of the failure of the voluntary commutation?

Lord John Russell did not intend to make any alteration in the limits of sixty and seventy-five per cent., though undoubtedly there might be cases in which it would be necessary to make exceptions. With regard to the second question, he proposed that in the case of compulsory commutation, the mode of applotting should be the same as in the case of voluntary commutation; but, if the parties could not agree within a certain time, the commissioners should take steps to have an applotment made in the parish.

Sir Robert Peel wished to say a word generally upon the subject of this very important question. The noble lord now proposed to make several very important alterations in the bill, and he had a very strong apprehension that another year would pass away after another ineffectual attempt to make an arrangement for the commutation of tithes. Every attempt made, which proved to be ineffectual, rather impeded the chances of a future and satisfactory settlement. If the objection advanced against this bill by the hon. member for Middlesex were a valid one, it would be entirely fatal to any plan of commutation. If the House were to abolish the existing corn-laws, there would be no security that a protecting duty should not at some future time be re-established, or that some other equally obnoxious system should not be substituted in their room. It was impossible to conceal from themselves that this was the third, and if the noble lord made any important alterations in it, would be the fourth proposition made upon the subject of commutation. He blamed no one, for the subject was surrounded with difficulties. But he did think they had attempted to make a settlement of the question without that preliminary information which he believed to be essential to success. Though the law with respect to tithes was the same all over the country, yet, in point of fact, its application was so modified by different customs, that it was almost tantamount, practically, to a different law, and the difficulty to be overcome, was to apply one law to the whole country in respect of which usages totally different prevailed. In every other subject which the House had adjusted satisfactorily, they had preceded the attempt to legislate by minute local inquiry, but no inquiry was proposed with respect to tithes. A different practice prevailed in the North of England, and another in many parts of the centre, a different practice in Kent, and a fourth in Devonshire. It would be found exceedingly difficult to reconcile all parties in these various districts of the country, habituated to such various usages; to any one law. He should, therefore, make a proposition, and into it no party feeling should enter. He would



throw it out for the suggestion of government, in case they should find it difficult to adhere to the plan they had laid down. He did not think it would be satisfactory to government to say, We have brought in the measure, and by so doing have acquitted ourselves of all obligation; the object ought to be, to effect a satisfactory and permanent commutation. If it should be found that they were not prepared to apply the principle of compulsion, he made this proposal, that the commissioners under the noble lord's bill should be appointed, not only to encourage a voluntary commutation, but to procure that information he believed to be indispensable to the success of a compulsory commutation. Let the commissioners, whom the noble lord intended to employ, to invite parties in each parish to come to an amicable settlement of the question, be also commissioners of inquiry with respect to the different practices prevailing in different parts of the country. Suppose that voluntary commutation failed—then the objection, now urged with some force against his bill, as making no provision for compulsion, would not apply, since, in attempting to carry into effect the voluntary principle, they would be making those inquiries which would enable them hereafter to digest a well-considered system of compulsory commutation. Let the commissioners inquire in the different districts of the country as to the means which would be likely consistently to reconcile conflicting usages. If the voluntary principle succeeded, every one would be satisfied. He apprehended it would not; but by the course he advised them to pursue, in attempting to apply the voluntary principle, they would be gradually acquiring that local information, with respect to different usages, which they must necessarily possess before they could proceed to apply a compulsory commutation. With respect to the Poor-law Bill, they had found it necessary to inquire before they proceeded to legislate, and they had been successful. If ever there was a question on which preliminary inquiry was needed, and to adjust which local information was required, it was the present. The difficulty with respect to compulsory commutation was this—it was not to come into operation for two years, and he was afraid that the delay might reconcile many hon. gentlemen to the bill who would not be satisfied with it if it were to take effect at the end of this session. They might imagine that if the plan were found to be impracticable, there would be plenty of time to alter the law. But it should be observed, that this bill held out an encouragement to voluntary commutation, for it declared, that if a voluntary arrangement were not entered into, the parties would be compelled to come to an agreement. But suppose, at the end of two years, compulsory commutation could not be carried into effect, and in the interval many persons had entered into voluntary commutations, what was to be done with them? They would have voluntarily compounded on the faith of the compulsory system, and, perhaps, but for that faith, they never would have given their consent. If ministers were satisfied of the fitness of their compulsory system, why did they not apply it at the end of the session, instead of at the end of two years? Postponement would aggravate all the difficulties. Whether the arrangement were made this year or next, was a matter of much less importance than that, when made, it should be effectual. Some time must elapse before due information could be acquired, and when acquired, the House could proceed maturely to consider the subject with the aid of the superintending board sitting in London. In the mean time, facilities might be given to voluntary commutation; but should it fail, the objection urged to his own bill could not apply, because the same commissioners, being commissioners of local inquiry, would furnish the information necessary to enable the House to determine upon a principle that was just; the public mind would be reconciled, and a measure digested that would give satisfaction to all parties.

On the question that the Speaker do now leave the chair.—

Sir Robert Peel wished to say, in explanation, that his recommendation was founded on the assumption that the bill had not met with the general concurrence of the House. It appeared to him from his observation of the opinions which had been expressed on the ministerial as well as on the other side of the House, that the noble lord's bill was not likely to meet with general concurrence; and in the event of that being the case, he thought they might remedy the inconvenience of further delay by adopting the course which he had suggested. It could not then be said, that he had shown a disposition to throw any obstructions in the way of the bill; on the contrary, he wished the noble lord to have every opportunity of rendering the

measure as perfect as possible. He certainly was of opinion, that it was better for the government to come forward with a plan, than to refer the question to a Select Committee, and thus have to determine as to the adoption of the report; but when he saw that in three successive years three plans had been brought forward, all of which were unfavourably received, he thought that was a case in which inquiry might be instituted with particular advantage.

House resolved itself into a committee, *pro forma*, and resumed.

## RUSSIA AND TURKEY.

APRIL 20, 1836.

In the discussion on Mr. Patrick M. Stewart's motion for "An Address to his Majesty, praying that a diplomatic agent may be forthwith sent to the free and independent State of Cracow, and for protecting and extending the commercial interests of Great Britain in Turkey and the Euxine,"—

SIR ROBERT PEEL thought the hon. member must be not a little surprised to witness the concurrence of persons of different political sentiments in opposition to his motion. The noble lord, the Secretary of State, the hon. member for Southampton, and the hon. member for Bath, differing in their sentiments on other topics, agreed in opposing this motion; and he must state, for his own part, that he gave his unqualified concurrence to that opposition; though he did not subscribe to all the arguments which had been brought forward, he agreed in the conclusion at which they arrived; and if the hon. member pressed his motion to a division, he should record his unqualified dissent from it. He concurred with the hon. member for Bath in the propriety of acting with care and caution in such matters, and in the inconvenience of discussing this question in a popular assembly; but he did not concur with him in other parts of his speech, in particular when he maintained that this country ought to withdraw from all connexion and interference with continental affairs. If a country were determined to do justice and observe forbearance, and if it were sure that every other country would show the same spirit, then, being determined to offer no provocation, and do no injustice, it might justly refuse to involve itself in treaties, and be an indifferent spectator of the fate of other nations. But if, after sustaining a grievous injury, there was no course but to resort to arms—if there was no other resource open for obtaining redress but to make that last and calamitous appeal, he could not think that it was inconsistent with the duty or the policy of a country to prepare itself for such an event. The hon. gentleman, who thought there was no use in making treaties, who had no confidence in the good faith of Austria, Russia, Prussia, or France, ought surely, if he regarded those states with distrust, to be prepared for the calamity which, without any fault of our own, might involve us in a contest with them. The hon. gentleman said, that a war with England was tantamount to a war with the whole world. If that were the case, if such important interests were involved—if the spark thus lighted up might involve all the civilized world in conflagration—surely it was not proper in us to have no allies, and to make no preparations for such a contingency. The hon. gentleman had quoted the example of America. Now, the policy of that country formed no necessary rule for us, under the peculiar circumstances in which it was placed, and its position with reference to other powers—on account of the absence of those national associations which involved us in the politics of the world, and still more on account of the distance which did, in point of fact, remove it from the theatre of European politics, and sever it from those bonds from which we could not emancipate ourselves. The hon. gentleman had alluded to the advice of Washington to his countrymen. In the then state of American politics, there being no power in actual collision with the United States at that period, he could readily believe that it might be good policy to follow that advice, though it might not constitute a good rule for that country at other periods, and still less a good rule for a country so differently situated as England. But, whatever the abstract opinion of Washington might be, when hostile measures came into operation, and America was involved in a war with England, it did not disregard foreign alliances. When the time of danger came, it found the expediency of uniting itself with France. If it was necessary that we should be prepared for war, when it came,

and that we should be fortified by alliances with other states, surely we ought not to neglect to provide against it by timely measures of precaution. While, then, he agreed with the hon. member on some points, he must express his total dissent from him on this. The hon. member for Bridport had expressed great alarm at the hostile manifesto contained in the speech of the hon. gentleman. Now, a more peaceable and harmless motion, following so warlike a speech, he had never heard. The object of it was to advise the Crown to send a diplomatic agent to the state of Cracow. He should decidedly object to the House of Commons giving advice with respect to the mission of a diplomatic agent. Should the motion be carried, this would be the first instance of such an interference on the part of the House with the exercise of diplomatic functions. He apprehended that it was no necessary indication of hostility to refuse to receive a diplomatic agent; it might be a mark of general unfriendliness, but formed no ground for a declaration of war. The House had no means of ascertaining whether the mission would be acceptable to the state concerned, or whether the agent would be received. They could not, certainly, advise the mission, without knowing whether it would be acceptable, or whether there might not be a possibility of its being regarded as little less than an insult. He apprehended, that on reconsidering this point, the hon. gentleman would see the propriety of withdrawing this part of his motion. Taking the resolution itself, and not viewing it in conjunction with the speech, a less formidable motion had never been made. The other object proposed by the resolution was, "That his Majesty will also be graciously pleased to take such steps as to his Majesty may seem best adapted to protect and extend the commercial interests of Great Britain in Turkey and the Euxine." Was it not the duty of government, not only in the Euxine Sea, but with respect to the universal commercial interests of the country, to protect and extend trade? He would not select any one part of the globe, and give advice to his Majesty to extend and protect our commerce there; but he would say it was the universal duty of the Crown to extend and protect the traffic of the country. If the House believed the government to be neglectful of their duty, and could not confide in them, a motion should be passed, expressly calling for the removal of ministers, and the Crown should be advised to confide the trust to other hands. But he could not consent to make a motion to instruct government relative to a special instance of its executive duty, and yet say that an administration so remiss was fit to be intrusted with the execution of that instruction. The hon. gentleman had spoken of the aggressions of Russia, and his speech had certainly been of a hostile character. He did not rise to defend Russia, or to underrate the importance of these aggressions, if aggressions had been committed; but if the House were to interpose its authority in aid of the executive government, they ought, in the first instance to have decisive official proof of the necessity of their doing so. He certainly would not act upon the speech of any hon. member, however extended his information, or however important the interests he represented. If there had been any undue encroachments on the part of Russia, he said, let us have redress; but if he was not to continue to leave the matter in the hands of the King's government, and if he was to call for the aid of the House, of course, before he took the first step that approximated him to hostile movement, he must have demonstration, clear as day, that such a proceeding was required. He must have direct evidence—he must have the treaty—he must compare the alleged infraction of it with its provisions—he must determine the character of that aggression, and then he would not content himself with calling on the King to take such steps as might seem to him best adapted to extend and promote the general interests of our commerce, but he would tell the Throne, and he would tell the House, that an injustice had been done to England, and that reparation had been refused; and he knew that the House would assure the King of their determination to support him in his demand for justice. Such was the course which a House of Commons, representing the people of England, ought to pursue, when it was satisfied that its interposition was called for; but let him tell the House, that if they contented themselves with seeming to interfere, and with calling in the aid of menace on slight occasions, when the day of real danger came, the views of the House would not have that weight and that authority throughout Europe which they ought to possess. If they did interfere they ought to indicate to the King's government what course they ought to pursue, but he really could not see that any end would be attained by passing a resolution which merely implied tha

government neglected their duty, but intimated that they should be left free to judge of the steps they ought to pursue on the particular question referred to. He confessed, that he did not in anywise understand the resolution. If it implied want of confidence, why did not they mark their distrust by indicating the steps government ought to take? But the resolution stated, that the King should be the judge of the measures best adapted to extend our commercial influence, and consequently that the servants of the Crown should continue to judge of them. The resolution imposed no obligation; it was left entirely to the decision of ministers to determine on the measures to be adopted. This was, in point of fact, dividing the responsibility. Supposing that government were to say to the House, "We regarded your address as a stimulus to our activity; we thought you were dissatisfied with our policy, and that you considered us too pacific. We have refused to compromise our differences with foreign states amicably, and will you support us in case of a war?" If that support were withheld, what would they have gained by the resolution? Would it be sufficient, then, for the House to reply, "We said not a word about war. It is true we talked of the aggressions of Russia on Friday, but we said nothing of war on Monday. We only said, that the commercial interests of the country should be protected. You have entirely misconstrued us, and we will not support you." If the House were resolved to interpose, let them not only interpose directly, and state their specific object but let them state to what extent they would relieve government of the responsibility, and what was the share of responsibility they were willing to assume. There was no intermediate step between leaving the matter in the hands of the executive government and coming forward immediately with a vote expressive of want of confidence in them. But to a general resolution, indicative of a desire to have war on a small scale, or to try the effect of menace in the hope that we should escape with menace, he never could consent to be a party. It was not only that he thought the honour and dignity of the country were involved in this question. Besides that, he believed that the interests not only of this country but of humanity were at stake, and so long as peace could be maintained, he thought the British nation ought to set the civilized world the example of maintaining it. At the same time, he should be the first to say, if a foreign power either insulted or injured us in any essential interests, and refused reparation, or mocked us by mere worthless concession, that it would be then for the interests of England and of humanity that England should assume her proper attitude and station, and, having used every effort to procure redress, should then have recourse to that alternative, which, after all, was one of the greatest calamities that could befall a people. So much for general subjects; but he wished to add one word with respect to that part of the speech of the hon. gentleman referring to the treaty of Adrianople, and casting blame on the government of his noble friend, the Duke of Wellington, for not taking more energetic steps to check the power and influence of Russia, which had arisen, as the hon. gentleman thought, from that treaty. On a question of this kind, and after constant occupation with the other business of the night, it would be difficult for him to attempt to speak with perfect precision on bygone matters, which took place four or five years ago. But if he made any mistake, both the hon. gentleman and gallant admiral on the same side possessed memories sufficiently accurate to correct him. He must protest against judging of the treaty by the impressions and feelings entertained at this time. It was the fashion now to have great hostility towards, and apprehension of, Russia, and he would therefore look to the state of the public mind as existing in the year 1828. Then the universal feeling of this country was not directed against Russia, but was in complete concurrence with Russia in establishing the independence of Greece. His noble friend assumed the government in the month of January, 1828, and with respect to Russia, and indeed other governments also, for he did not mean to say that their position with Russia was peculiar; the ministers of that period were not perfectly free agents. By the treaty of July 1827, this country, France and Russia, had contracted a common obligation, to put an end to the disorders prevailing in the Levant, and provide for the qualified independence of Greece. It was stipulated that, supposing one of the parties should be involved in hostility with Turkey, the treaty should not be brought to a close in consequence of such a rupture. In 1828 a war took place between Russia and Turkey, a war which he must say, without pretending to place implicit confidence in all the assurances given them of Russian disinterestedness, arose immediately out of a provocation on the part of

Turkey, offered, he believed, with the view of bringing on the destruction of the alliance of the three powers. A hostile manifesto issued by Turkey against a state so powerful, and bound by treaty with France and England to effect the independence of a considerable part of her territories, could only be accounted for on the presumption that war would never take place—that France and England would refuse to be party to hostilities, and would withdraw from the alliance. These powers had indeed deprecated the hostilities of Russia against Turkey; they knew Russia would have very great difficulty in acting as a mediator in one part of the world, and as a belligerent power in another, but still foreseeing that the consequences of their withdrawal from the alliance must be fatal to the independence of Greece, they had determined to adhere to the treaty, and fulfil its objects to the last. The gallant admiral opposite thought that the Russian war might have been prevented, and was under the impression that Russia made proposals that England and France should enter with her as direct parties in the war against Turkey—a very convenient proposal for Russia to make when on the eve of separate hostilities, and that Britain and France had replied that they had no interest in the quarrel, that the treaty never contemplated hostilities, and that they had no ground of complaint against Turkey. The proposition which had been made by Russia was, that the provinces of Moldavia and Wallachia might be occupied by Russian troops. The answer returned was, that if the Russian army took possession of those territories, it would be impossible to reconstruct a fabric so constituted as the Turkish empire, when undermined by the advance of Russian troops acting in concert with France and England. Supposing they had acceded to the proposal, and that the Russian troops had advanced, with the consent of Britain and France, what security would there have been that fresh causes of hostility between Turkey and Russia would not soon have arisen? He apprehended Russia would not have parted with the power of declaring war against Turkey on separate grounds, and all that they would have gained would be, to be parties to the operations which had annihilated the latter state, and left her a complete prey to the Czar. He asked hon. members if they thought it would be wise in us to guarantee the security and integrity of Turkey, whether the other powers were willing or not. He would not discuss the question whether such a guarantee would be effectual. The hon. and gallant member said, that at that period the Turkish army amounted to 53,000 men; that the Russians were in an almost hopeless state, from sickness and despondency, and that it would have been easy for England to arrest their progress. But if the Russians were in such a miserable condition, what must have been the inherent strength of Turkey when it was unable to free itself from their presence? Ought the government, then, without some vitally important reason to have undertaken the defence of Turkey, at an enormous expense, and at so great a distance, unless they had been assured of the co-operation of the other powers? He had no hesitation in saying, that France was not prepared to have supported us. We could not have persevered without forfeiting the concurrence of France, and losing all chance of the co-operation of Austria. Under these circumstances, he must repeat that little short of madness could have induced us to guarantee the security of Turkey. He did hope, at the same time, that the other powers of Europe would feel a common interest with us. He did not undervalue the independence of Turkey, and he trusted that France and Austria would see the necessity of co-operating with us for that end. Turkey had not been included in the treaties of 1814 or 1815, but he felt certain that the whole of Europe would rise up against the transference of the whole power of that empire to a single state. With respect to our commercial relations, though he did not undervalue any aggressions made on our commerce, and he should be unworthy of the close connexion he had with the commercial interests of the country, if he did, yet he must assert, that on this point the hon. member's speech was not conclusive. The hon. gentleman had said, that since the treaty of Adrianople there had been a progressive decrease in our exports to one of the countries in question, but on account of what? Not on account of a diminution in the demand for it from Turkey, but from the uneasiness and insecurity of our relations with Russia. He said, then, that he would not consent to any vague motion, which would still further aggravate that insecurity. He would not add to that trepidation, notwithstanding the expressed wishes of Mr. Garnet and some other merchants, but he would tell the hon. member, that if a just cause should arise for war, he would be the last to oppose the assertion of it. At

the same time, he would not be a party to a vague motion like this, which would only add to irritation without increasing security.

The resolution was withdrawn.

### CARLOW ELECTION.—MR. O'CONNELL.

APRIL 22, 1836.

Mr. Hardy moved a series of resolutions, charging Mr. O'Connell with having entered into an agreement, for a certain sum of money, to procure the return of Mr. Raphael as member of parliament for the county of Carlow; such agreement being contrary to the statute, and a breach of privilege of that House.

Lord John Russell moved, as an amendment, the confirmation of the report of the committee, which had decided that no charge of a pecuniary interest could be attached to Mr. O'Connell.

A long and angry debate ensued, towards the close of which, and amid cries of "Question,"—

SIR ROBERT PEEL said, if the House thought it for the interests of the hon. and learned gentleman mainly concerned, that this discussion should be adjourned, he should willingly concur in that suggestion; but he confessed he was of opinion with the right hon. gentleman opposite, that it would be most advantageous to that hon. and learned member that the debate should be to-night brought to a conclusion. He thought there must be a unanimous wish on the part of the House that three more days should not elapse without the final settlement of the question. To pass, however, to the consideration of it; there was a mode by which it sometimes happened that hon. gentlemen evaded the difficulties of an embarrassing question, and, so far as personal feelings were concerned, he wished he could have reconciled to his sense of duty the evasion of this discussion in the manner to which he alluded—namely, by absenting himself from the debate, and declining to give his vote. But he thought the instances were rare in which a man could, consistently with his public duty, abstain from being present at a discussion, or could evade the difficulty it might involve by absenting himself from it. The true course was to meet the difficulties as they occurred, and to strike the balance between conflicting obstacles, rather than to shrink from encountering them. It was his wish, upon this question, to act as nearly as he could in a judicial capacity, and he was bound therefore to state, whatever ridicule he might incur for the announcement from hon. gentlemen opposite, that he was not a party to the motion brought forward by the hon. and learned member for Bradford. He did not see the resolution which had been moved until he read it in the votes of the House; at the same time, he did not consider that it detracted from the importance of the question that it had not originated in party feelings, but was brought forward by an independent member of the House, of unimpeachable character, who, without reference to the sentiments or opinions of others, did that which he considered to be his duty, and rested the question which he brought forward, not on the basis of party or personal feeling—but merely upon the importance which might be attached to it by the House. The present question had been introduced by the hon. member for Bradford. He, as an individual member, had he been consulted, would have willingly advised him not to persist in it; but his counsel not having been solicited, he found himself called on to declare his sentiments upon the subject, endeavouring to reconcile, as nearly as he could, his duty to the individual to whom it referred, and to the public, a portion of whom he represented. He wished to reconcile strict justice to the hon. and learned member for Dublin with deference to the report of the committee, and with the performance of his duty to the people of England. He came down to the House, like many others, wishing to hear the discussion, and not having his mind made up as to the course he should pursue. On coming into the House, there were three objects which he resolved to bear in mind as regarded this debate. The first was justice to the hon. and learned member, whom it principally concerned; the next, deference to the opinion expressed by the committee which had sat upon the subject; and the third, the performance of those duties which, as a member of this House he owed to his constituents, and to the public. The debate proceeded, and a proposal was at length made, which he thought relieved him from the difficulties he had to contend with,

and which reconciled the three objects he was desirous to combine. A motion was made to pass to the other orders of the day, or to meet the original resolutions with the previous question—which was tantamount to implying complete satisfaction with the verdict of the committee, by a resolve not again to agitate a question that had been already submitted to adjudication. Was it made by any member of this House indifferent to justice, ill-qualified to form an opinion on the merits of the case, conceited or jealous in his disposition, or one to whom the feelings and the honour of the committee were a matter of utter indifference? The proposal to meet the motion with the previous question, was made by no less an authority than the chairman of the committee—whose position in that body had been the most dignified—in whose opinion the most implicit confidence was reposed, and to whose feelings unqualified deference was due. The proposal of the hon. gentleman was, as he thought, seconded by his noble friend, also a member of that committee. Thus was there a motion intended to be made by the chairman of the committee, and seconded by an eminent member of it, which was thought reconcilable with justice, perfectly consistent with the honour and feelings of the committee, and with the discharge of public duty; and what had intercepted it? The motion had been distinctly announced, but some private and scarcely audible suggestion was made by the noble lord (Lord John Russell,) who gave advice to the hon. gentleman, the impartial arbiter upon this subject, as regarded both the interests of the committee and of the public; and the hon. gentleman in consequence had not fulfilled his intentions, although his noble friend had understood that he was seconding the proposal. Had that motion been made and seconded, the noble lord would not have been entitled to make his motion; and he must say, considering the circumstances under which the noble member for South Lancashire was placed, it would have been only common justice and fairness, if he was under an erroneous impression respecting the course pursued, at once to have made him acquainted with his mistake. The omitting to put that motion had, therefore, occurred through mere accident, or rather through a mistake, and a mistake for which the noble lord was plainly responsible; he said responsible, because, if his suggestion had not been offered, the chairman of the committee would have persevered, and it was thus plain, that the noble lord had availed himself of an opportunity which would not otherwise have presented itself of moving an amendment, or an intended motion. He was anxious to have escaped a discussion of this question, from a multiplicity of considerations, which, separately, might not have justified that solicitude, but which, when combined, formed an adequate cause for it. He did not mean to say, that with the disclosures contained in the evidence before him, he was inclined altogether to disregard it; but he was anxious to avoid any appearance of giving an indirect sanction and encouragement to disclosures of confidential intercourse, which neither tended to elevate a man higher in the scale of society, nor to increase the probability of excluding, from a public question, private considerations, which ought not to influence the decision. He must say, as to the evidence, this was that portion which he was most anxious to disunite from it. Instead of being allowed, he would not say to give a go-by to this motion, but to meet it in a fair, parliamentary, and constitutional manner—because, after reviewing all the circumstances of the case, he could not think it necessary to revive the discussion,—instead of being allowed to meet the question in a manner satisfactory to the committee, to the public, and to himself, by giving his vote for the previous question, he was forced to consider the proposition of the noble lord, which appeared to him to be of a nature utterly unprecedented. There was a clear distinction between acquiescing in an adjudication and adopting the verdict of a tribunal. The noble lord insisted upon dictating to the House the precise terms in which they should express an opinion. He required from hon. members, not an acquiescence in the decision of the committee and a reluctance to disturb it, but the adoption of the sentiments of the committee, and the use of the precise words in which that tribunal had recorded them. He was not present when the evidence was given; the parties who made up the report might have many questions to settle, which required a compromise of past opinions, and this might have led to the insertion of any words justifying that mutual concession. In order to obtain general concurrence, words might have been inserted, in which all parties would not have acquiesced, but from a desire to promote unanimity. The noble lord had not been

present at the discussions in the committee, nor had he heard the reasons which led to the insertion of such words, and yet he wished to compel the House to employ the precise words in which the report of the committee was drawn up. That body had acquitted Mr. O'Connell personally, and he entirely concurred with them, and he gave the hon. member the full and unqualified benefit of that acquittal. He fully admitted the hon. and learned member's right to take his stand upon that report, as he himself had said. He would not go into the evidence; he did not wish to show that the report was not perfectly satisfactory as regarded Mr. O'Connell; but he was quite sure that the committee had considered the chief part of their duty to be to inquire into matters personally concerning him. This imputation was, they considered the *gravamen* of the charge to be of a personal nature, and he was not quite convinced that they had thought it within the strict line of their duty to determine whether the whole transaction amounted to a breach of privilege. He repeated, then, that the noble lord had no right to dictate the literal adoption of the report; but as the rules of the House fully required him to acquiesce entirely in that report, he was of course entitled to ask the noble lord the meaning of several expressions contained in it. If the noble lord inquired if he would acquiesce willingly in the report, and would not disturb the decision of the committee, he would say, Yes; but if the noble lord would not permit him to do this, but demanded an unqualified adoption of it, then he (Sir R. Peel) must clearly comprehend the meaning of two passages in it, before he could say that they expressed his sentiments. The first was, that in which the committee declared their opinion, "that the whole tone and tenor of this letter" from Mr. O'Connell to Mr. Raphael, "were calculated to excite much suspicion and grave animadversion." Now, what meaning did the noble lord attach to the most important phrase in this passage—namely, "grave animadversion?" Did he, by these terms, mean to imply a censure on Mr. O'Connell, after the evidence which had been produced? If he did mean to express his reprobation, either qualified or unqualified, then on what ground did he blame Mr. O'Connell? Was it for a breach of privilege? If so, why did he not define the offence Mr. O'Connell had committed? Suspicion was a justifiable cause of inquiry, and he thought the noble lord contended, the inquiry having been made, that the charge must be a false one. But the noble lord adopted, in addition, the words "grave animadversion;" and these, as applied to a charge, were widely different from a mere suspicion. Suspicion attaching to a party formed a good reason for inquiry, but let him say, that grave animadversion belonged only to a case when the charge had been substantiated. If the use of these terms implied a censure on Mr. O'Connell, he wished to know what was the offence laid to his charge, and he thought that those parties who acted as his judges, and also those interested in behalf of Mr. O'Connell, would have required an explanation upon this point, relative to the embodying of these words in the resolution of the noble lord. The other part of the report, with respect to which he felt much doubt, was this—he was called on to adopt the report on the responsibility of a committee of the House of Commons, and he wished, therefore, to have his doubts resolved. The concluding paragraph of the noble lord's resolutions was this—"That it appears also, that this money has been expended under the immediate direction of Mr. Vigors, and others connected with the county of Carlow, on what may be called legal expenses, or so necessary, that this House sees no reason to question their legality, and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors, before the committee appointed to investigate it on the 28th July, 1835." Now, he contended, with all deference to the noble lord, that the necessity of the expenses was not a test to try their legality. A case might occur in which expenses were necessary, and yet not legal. [Lord John Russell: I said "unavoidable."] "I said unavoidable," says the noble lord. What I say is, that the House is called on to adopt the resolutions of the committee, and the noble lord has proposed a resolution which does not agree with the resolution of the committee.

Lord John Russell: I must interrupt the right hon. baronet, in order to explain that I desired the resolution to be copied, and the word "unavoidable" was copied "necessary." I did not observe this.

Sir Robert Peel—What he contended was, that the unavoidableness or necessity of the expenses—whether one term or the other was used—was no test of their



legality; and he objected to approving a resolution of the committee which seemed to imply, that the necessity of the expenses constituted a sufficient reason why their legality should not be questioned. When the noble lord called for the opinion of the House on the transaction, he not only opened the report of the committee, but he opened the whole of the evidence. If the noble lord required the House to record its opinion that the expenses were unavoidable or necessary, he imposed upon it an obligation to express its opinion of the whole transaction fully. The opinion of the House was to constitute the rule by which other people were to judge whether such expenses were legal or not; and if, on reading the evidence thus produced to the House, the House recorded its opinion that the expenses were necessary—if by this proceeding the important rules of constitutional practice, devised to guard the purity of elections, were slurred over, should the House of Commons be hereafter called upon to punish persons who had acted under the sanction of this proceeding, the House would be in a position in which it could not administer justice. The only part of the evidence to which he should refer, was that which related to the appropriation of the money which had been advanced for the election. It appeared, that the first £1,000 paid by Mr. Raphael for election expenses was to be paid down in the first instance, and if any balance remained, after defraying the election expenses, it was to go to defray the expenses of the petition which unseated Messrs. Bruen and Kavanagh. Did the House mean to sanction that? Did it mean—not shrinking from adjudicating the question, but determined to give an opinion upon it—to sanction, or, at all events, to express no disapprobation of a transaction by which it was stipulated, in respect to this £1,000, by an express contract, that if any surplus remained, it should not go to cover any legal expenses connected with the election, but to discharge a debt incurred on account of a previous election? Did gentlemen deny the fact to be as he had stated? Then he must be allowed to read the evidence of it. Mr. Vigors was asked, “Was the distinct understanding that out of the first £1,000 paid by Mr. Raphael, the election expenses were first to be paid, and if there was any balance it was to go to the petition that unseated Messrs. Bruen and Kavanagh in May—Yes. That the second £1,000, if not wanted for the petition that followed, was to go to the fund of the Carlow Liberal Club?—Exactly. I would observe that the words, ‘If not wanted for the petition,’ should be omitted, for it was to go under any circumstances, in the case of his being returned, to that fund. Do you mean that this was not merely your construction of it, but that you believed that Mr. Raphael also understood it in this point of view?—That was my construction of it, and which I meant to convey to him; whether he understood it or not, I cannot exactly answer, but I intended to convey that to him.” Then suppose a case of a city member going through a contested election, and incurring a debt of several thousand pounds; did the House mean to sanction this proceeding, that a contract might be made with a person hereafter to be returned, for a larger sum than the expenses would be likely to amount to, and if there was a surplus, that that surplus might go to pay the expenses of the previous election? Did gentlemen mean to sanction this? [An hon. member: “In the relief of poor electors.”] The question was, whether the money could or could not be applied to other than election expenses? It was said that it was to go to a liberal club, and be appropriated to the paying a year’s rent, or half a year’s rent, of tenants who were in arrear. If the House sanctioned the appropriation to either of these objects, or confirmed, by its silence, the resolution of the committee, whose report it was forced to review, why confine the compensation to tenants? Why not allow voters in cities or boroughs, when they are apprehensive of the consequences of freely exercising their franchise, to be indemnified for losing the good-will of their customers? In either case, the violation of the right of election was equal, and in each case the claim for compensation would be equally valid. And the House must consider, when it was laying down a principle, that it could not limit it to *bona fide* cases of alleged wrong; if it opened a door on this pretext, a flood of unrestricted evils would rush in. The right hon. gentleman, the Chancellor of the Exchequer, had had sagacity enough to foresee the evil consequences of such a case; but his sagacity in devising a precaution against them was not equal to the sagacity with which he foresaw the evil, because reading the evidence, and finding that the tenants “expected” remuneration—*rusticus expectat*:—expect was an awkward expression, he admitted, but the right

hon. gentleman offered the House one consolation. He declared that the evil would be limited to England; for, on the best lexicographical authority possible, the right hon. gentleman owns he was able to assure the House, that between the meaning of the word "expect" in Ireland and in England, the difference was very great. And this was the profound and very satisfactory explanation given by the Chancellor of the Exchequer, as a reason why there should be no apprehension in England of any evil consequence from this source. If, hereafter, any person in England made a claim upon a liberal club for compensation, and should consider himself entitled to expect it, the right hon. gentleman would then come forward and tell him, "Your expectation, though not wholly groundless, was without foundation; for I am an Irishman, deeply read in the Anglo-Hibernian language, and I give you warning, that 'expectation' in England is a totally different thing from 'expectation' in Ireland." Unfortunately, the legislature had not sustained this interpretation; for the Bribery Oath, which was administered in both parts of the empire, contained the word "expect," and with the same meaning. He asked the House, then, whether or not, if a case like this were made out on any other occasion, in other times, and under other circumstances, and a majority of the House of Commons had such a resolution brought before them, they would not have recorded their protest against it? The Chancellor of the Exchequer had said that this proceeding had been instituted against a conspicuous individual on the ground of political animosity, but he did not think so. Yet he might ask, whether, if the individual had been any other than the principal party actually concerned, would the government have felt called on to defend him? Had the individual belonged to this side of the House, what would have been their course? He did not say that the hon. gentlemen opposite would not have made allowance for the circumstances under which unfair and ungenerous disclosures might have taken place; but this was certain, that if their sense of duty and their generosity had prevented them from visiting the man with punishment, the sense of the duty they owed to the public would have pointed out to them the propriety of entering their protest against the public offence.

Lord John Russell's amendment was carried by a majority of 72, and the House adjourned.

## TITHES AND CHURCH (IRELAND).

APRIL 25, 1836.

Lord Morpeth moved the following resolution:—"That it is expedient to commute the composition of tithes in Ireland into a rent-charge, payable by the first estate of inheritance, and to make further provisions for the better regulation of ecclesiastical duties."

SIR ROBERT PEEL.—The noble lord concluded his clear and able speech by moving a resolution, which, from its terms, and the intention with which it was submitted, did not, he apprehended, involve the House, or any part of it, in the necessity of expressing its dissent by a vote. He understood the noble lord, and the noble lord the Secretary for the Home Department, to have declared on Friday, that the resolution to be submitted to-night was framed with a view of avoiding a hostile discussion. He understood the present motion as not pledging the House with respect to any principle, but merely to enable the government to bring in the bill, reserving to those who were unwilling to assent to its details an entire right of protesting, on a future occasion, against the change which it was proposed to effect. That being the case, it was infinitely the better course not to provoke a premature, and, as it appeared to him, unavailing discussion, by entering into the consideration of all the topics embraced in the noble lord's speech. Feeling a necessity of entering into a full discussion hereafter, he would wait for that opportunity; but he waived his right on this occasion, with the distinct understanding that he should then be prepared to enter fully into the whole of the principle and details of this measure, and that his acquiescence in the present resolution was not to be considered as an abandonment of the objections which he had urged to the former measure of the noble lord. It would then appear, that, acquiescing in the present

motion, he had not waived any one of the objections he had formerly urged to the measure. The noble lord, in the course of his speech, appealed to him personally on one or two points, to answering which he should confine his present remarks. In the first place, the noble lord asked whether the answer which had been given to his question on Friday last, was considered by him as equivalent to an expression of his departure from the pledge which had been given last year respecting the appropriation of the surplus funds of the Church of Ireland. He was bound to say, that on the answer the noble lord gave he did not put any such construction. Neither did he consider that the promise of the noble lord, to submit a mere formal resolution, implied that his Majesty's government were prepared to abandon their former principles. At the same time, he could not help feeling that there was something in the expressions used by the noble lord that night, as to the inability of the government "to shake off" the engagement into which it had entered—that there was something in the expressive and significant action with which that expression was accompanied, formed according to the models of the ablest orators, that did convince him that the noble lord would have fled if he could from the embarrassment of his position. The noble lord's manner and appearance, during that part of the speech, reminded him forcibly of the graphic picture drawn by Horace, when he wished to get rid of a troublesome ally—

*Demitto aurículas ut uniguæ mentis assillus,  
Cum gravius dorsa subiit onus——*

He trusted the noble lord would not consider him as intending to apply to him any expression in the slightest degree offensive. The noble lord could not imagine for a moment that he entertained such a meaning, when he called to mind that Horace addressed the expression which he quoted to himself. He could well believe that the noble lord was very anxious to "shake off" the troublesome incumbrance, but he found himself in a state which rendered it impossible for him to make the attempt with any chance of success. The second reference which the noble lord in his able speech made to him, and which he then felt called upon to notice, was to a speech of his, an extract from which the noble lord had read. With the respect which he entertained for the noble lord's attainments and abilities, he did feel some regret at being compelled to disown the justness of the eulogium which the noble lord had pronounced upon him. The noble lord had expressed a great wish to accommodate his bill to some principles laid down by him, and had referred to a speech which he (Sir R. Peel) had made in the course of the last session of parliament, exulting in the prospect that, without alarming his own friends and supporters, he had been enabled to embody in his bill the valuable suggestions which he (Sir R. Peel) had thrown out. He held in his hand the speech in question, and as to appropriate to one's self the merits which justly belonged to another, would be manifestly almost an act of dishonesty, he was prepared thus generously, and on the instant, to relinquish all the praise which the noble lord had so lavishly bestowed upon him, and to give it up to its proper owners. It was quite true that on the occasion in question he had stated, in directing arguments against the bill then before the House, that he would assume the principle of its supporters to be correct; that he would attempt to show that, in conformity with their own principles, they had no surplus to appropriate; and, therefore, the pretence of having a surplus to appropriate, was only brought forward to relieve them from the pressing political difficulty in which they were involved on account of their unwise engagements. But he never meant, in the course of urging that argument, to state that it was his plan, or that, if it were adopted, it would afford him entire or unqualified satisfaction; and, in order to leave no doubt on the matter—to show the danger which he had had frequent occasion to point out, arising from partial quotations, he would perform the generous part which he had promised to act, and would give to the proper owners the merits which belonged to them. The part of the speech which the noble lord had quoted, referred to the division which he (Sir R. Peel) had proposed; but before he came to that division, he had, in order to preclude the possibility of that misconception into which the noble lord had unwarily fallen, expressly said and repeated, that he took the data of the government. His words then were, "Now, as I have already stated, I wish to argue this question on the narrow grounds which his Majesty's

government have afforded me, I wish to discuss this measure on those principles assumed by the King's government itself, admitting for the sake of argument those principles to be correct, and that my own views are erroneous. I take this course solely for this reason, that I can afford to make the concession, and, having made it, I can show that the ministers are, on their own principles, and with their own admissions, bound to accede to my motion. Arguing from their own evidence, I can show that there is no surplus to distribute, and, according to their own principles, therefore, they are bound not to sanction any alienation of the revenues of the Irish Church." These observations had preceded his remarks on the division of benefices which the noble lord had quoted, and he had afterwards said, "I may be asked why I have assumed £200 as the minimum in the scale of allowance to be made to parochial ministers? My answer is, not on any vague assumption of my own, but on the facts and recorded declarations of the authors and supporters of the present bill. The estimate is theirs, not mine. I may think £200 (as I do think it) a very insufficient provision—but I am arguing throughout on the principles of my opponents, and claiming their support of my proposal on those principles. The Church Temporalities' Bill assumes that £300 a-year is the lowest sum which ought to be paid as a stipend to any clergyman who has the care, not of a benefice, but of a parish. I find that opinion confirmed by all the authorities which I have been able to consult upon the subject." He had then referred to the authorities favourable to his division—namely, Mr. Littleton, a Roman Catholic gentleman named Finn, and Mr. Perrin; and had concluded by asking, "Now, have I not proved, not upon vague reasonings, not upon general assumptions, but, as I have said that I would, out of the admissions of the noble lord and his supporters, that the House ought to allot to ministers in benefices where there is a Church, or where there is a congregation of more than fifty Protestants, of the Established Church, at the very least £200 or £250 a-year, as the minimum of stipend." That was the whole scope of his argument upon the occasion referred to by the noble lord, and, therefore, the noble lord must not expect that he had any right to claim his support, even to the limited proposition now brought forward, because he had made a partial quotation from his (Sir R. Peel's) speech. The praise which the noble lord had given him was doubtless meant as the reward of merit, though fully unmerited; the noble lord had too much delicacy to pass that unqualified eulogium upon his own immediate supporters; and therefore he had very skilfully given him (Sir R. Peel) the whole credit of the proposal. With a liberality proportioned to the desire which he should have had to retain the noble lord's panegyric, had he deserved it, he now restored it to the quarter to which it belonged. In conclusion, he would repeat, that it not being his object to provoke a discussion on the present occasion, he should reserve to himself the opportunity of recording his sentiments at a future time; he would therefore fulfil the engagement which he had entered into, and abstain from referring to one detail. If he did refer to one detail, he might lead to an inference that he assented to others; and wishing to take a complete view of the question, and making no concession whatever of the great principle on which he, in common with his friends, had stood on the last occasion, he would not refuse his formal consent to this formal motion, and they might have a full and unreserved discussion hereafter.

The resolution was agreed to, and the House resumed.

## AGRICULTURAL DISTRESS.

APRIL 27, 1836,

Lord John Russell having moved that the Order of the Day be read—

SIR ROBERT PEEL would not detain the House many minutes, and would confine himself entirely to the question before it. That question was, whether or not it would be advisable for the House, by a resolution passed previous to the financial statement for the year, to hold out expectations to a particular interest, that relief would or could be afforded it by any remission of taxes? Feeling the deepest interest in the maintenance of the prosperity of agriculture, believing that there were many considerations of a political and social nature involved in the question, he felt it

to be his duty to consult its real and permanent interests; and however much he respected the motives, and valued the services of his noble friend who had brought forward the motion, if he believed it was calculated to raise expectations which he could not realize, or provoke jealousies and hostilities for which there was no countervailing advantage, the more he valued agriculture, and the more deeply he felt interested in its prosperity, the more he was bound to perform his duty to it, and to refuse his sanction to any proposition which in his view of the matter could lead to no beneficial result. And in the first place, with his views of public credit, and before he knew the amount of the surplus revenue at the disposal of government, he should always be very backward to express any opinion as to the contingent appropriation of that surplus. He considered that the honour of this country was involved in the maintenance of public credit, and he must confess, till he knew the available surplus, he should be reluctant to discuss any question connected with its appropriation. Suppose there was a surplus of £500,000, was it fair to excite hopes on the part of the agricultural interest that any remission of taxation, giving to agriculture what was said to be its fair share of such an available surplus, would in point of fact relieve the existing distress? He did not deny that agricultural distress existed, and that the pressure in many parts of the country was exceedingly severe, but he very much doubted whether the distress arose from oppressive taxation, and whether it could be removed by any remission of taxes within such limits as were at their command. He believed that there were several descriptions of lands, particularly clay lands, which were in a state of great depression, and he would go so far as to admit, that it was not likely that whole districts of clay lands could be cultivated to advantage; but he must say, that even if it were proved that the tillage of such soils was not so profitable as before, he should not be at all surprised. A competition unfavourable to the inferior descriptions of land was going on in every quarter of the globe, and with respect to every species of agricultural produce. The inferior soils of this country were entering into competition with richer lands in Scotland and Ireland, and the agriculturists of England had to contend, he must say, with greater skill in the application of labour, and more provident views with respect to the increase in the produce of land. Under such circumstances, he was not surprised that some districts in this country, heretofore cultivated with advantage, now yielded no remunerating return. What was going on at the present moment in Jamaica and the West-Indian islands which had been longest colonized? They were coming into competition with the settlement of Demerara, and richer lands on the South American continent. The planters of the other islands might with truth assert, that their estates had been under cultivation for fifty or one hundred years, and that they could not compete successfully with more modern settlements. No doubt this was a great hardship, but he thought it would be impossible to extend relief to them by any legislative measures. The application of steam power in place of physical strength, was producing a revolution in the agricultural system of the country, which they would vainly attempt to counteract by the remission of taxation. When he said this, he did not mean to deny the eventual claims which the agricultural interest might have to such a remission. But when he had heard the Chancellor of the Exchequer's statement, the amount of actual revenue, and the taxes he proposed to reduce, he should reserve to himself the perfect right to contest the policy of that remission, and to move an amendment in favour of the agriculturists, if he should deem it expedient. If he did not consent to the present motion, it was not because he was prepared to deny, that eventually it might be fit to urge their claims; but because he was unwilling to excite in their minds, hopes which the House might not be able to satisfy when they came to carry into effect the practical proposition. Let the effects of the partial remission of taxes made at former periods be borne in mind. There had been a very general outcry against these measures; and there had been much more ridicule cast on them, than gratitude shown for them. If it should turn out that there was only a very limited surplus, and that, consistently with his wish to maintain the public credit, he could not claim a relief of more than £100,000 or £200,000 for the agriculturists, would they not say, "Is this all you have to offer us? Why then did you enter into a general resolution declaring that agriculture was in a distressed state, and that a remission of taxes alone could give relief to it?" He did not choose to involve himself in this embarrassment. If the Chancellor of the

Exchequer should be disposed to reduce the duty on newspapers, he should hold himself quite at liberty, if he thought fit, to vote for the proposition of his hon. friend, who proposed instead of that to remit the tax on soap, or to vote for a remission of local burdens, or any other measure which he might consider likely to be beneficial to agriculture. But the great difficulty was this, that with the exception of the malt-duty, there was no tax which bore hard on it. And he was quite certain, that if all the relief they could give should be a remission of the assessed taxes, or an equalization of the land-tax, the occupying tenant at least would exclaim that he had no interest in that; that his hopes had been disappointed, and that he should be benefited only by a repeal of the malt-tax. He did not hesitate to say, that he was not prepared to vote for such a measure, nor did he think that, in the present state of the country, corresponding advantages would be gained by a partial reduction of it. It would be always open to his noble friend to propose an entire remission of it; but with his view of that impost, of the policy of retaining it, and with his apprehension that a property tax could form the only substitute for it, he could not assent to such a motion. The noble lord had spoken of those who represented agricultural districts as likely to find a difficulty in freely expressing their opinion, and giving a vote on this subject; but he felt no such scruples. He felt himself bound, as the representative of an agricultural district, to take that course which he regarded as most conducive to its lasting welfare. He hoped his noble friend would not take the sense of the House on this question. He did not wish this for the purpose of avoiding a disagreeable vote, for he had no difficulty in determining what line he should take; but he could not help thinking that a division on this subject, if one should take place, would be a very imperfect indication to the country of the degree of interest felt on the agricultural question. He must protest against its being supposed that he was not a friend to that interest, or that he would not press for practical justice being done to it; but it would be a great hardship if the agriculturists should suppose, after a division, not on the merits of the case, but virtually on a question of form or time, that the House was indifferent to their prosperity.

The House divided on the question, that the Order of the Day be read—Ayes 208; Noes, 172; majority, 36.

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## THE BUDGET.

MAY 6, 1836.

The Chancellor of the Exchequer submitted his financial statement.

SIR ROBERT PEEL intended to follow the example so wisely set by the gentlemen who had spoken in the course of this slight discussion, because he thought it exceedingly wise to interpose some interval between hearing the financial statement of a minister of the Crown, from which they ascertained the amount of surplus revenue that could be fairly applied in the reduction of taxation, and of pronouncing any conclusive opinion in debate, as to the taxes which ought to be selected for reduction. Assuming that there were £500,000 or £600,000, which might be fairly applied in the remission of taxes, he should like to have an opportunity of referring to the very valuable information collected by the Commissioners of Inquiry into the state of the Excise Laws, for the purpose of forming a comparative view of the whole subject of taxation, and of ascertaining by what mode they might avail themselves of the smaller amount of surplus in the most effectual manner, for the purpose of decreasing the burdens of the people, and of increasing the productive industry of the country. The glass duty, the paper duty, the soap duty, and one other duty which had not been adverted to by the right hon. gentleman, but which he (Sir Robert Peel) should be glad to have the opportunity of fully considering—namely, the duty levied upon the importation of raw cotton—all these various points he should now avoid pronouncing any opinion upon; but having made up his mind as to the surplus available, he should at a future opportunity give his opinion as to what were the taxes most prudent to reduce. He felt the force of the observation made by his right hon. friend (Mr. Goulburn), that in time of peace we were not making any rapid progress in the reduction of the funded debt;

while we were increasing our unfunded debt, which, in a time of difficulty, might press with peculiar severity upon the country. These were considerations which ought never to escape the attention of that House; and, before the House dealt too liberally with respect to a surplus revenue, he hoped that those subjects would engage their serious attention. With regard to the duty on the importation of raw cotton, he would just state, that in the year ending the 5th April, 1835, the duty collected upon that article, which undoubtedly was one of the main sources of the prosperity of the country, amounted to £374,000; and in the year ending the 5th April, 1836, the amount levied was £400,000; the rate of duty being, he believed, only five-sixteenths of a penny per lb. But it behoved the House to bear in mind that the manufacturers of this country were exposed—and, so long as peace continued, they would be exposed—to vigorous foreign competition. He, therefore, would say, that to levy such a duty as £400,000 upon a raw material which formed the staple of our chief manufacturers, was most unwise. On the one hand, no advantage could be gained from so small a revenue; on the other, it would be most dearly purchased if, by detaining it, we should increase the advantages of an increasing and successful competition by foreign countries. With his views as to the necessity of maintaining public credit inviolate, and as to the impolicy of making no provision whatever for the interruption of that prosperity the country was now enjoying, and deprecating, as he did, the approach to that state of things by which they might encumber themselves with a new debt, he could not certainly press for the remission of the whole tax upon raw cotton; but he should rejoice to see its amount reduced as low as possible, so as not to encourage unnecessarily any competition in that important branch of trade. He also wished to reserve to himself an opportunity of considering whether, in dealing with so small an amount of surplus revenue, it might not be better to remit the duty altogether on one article, than to make a remission of a portion of the duty on two or more articles; whether, for instance, the total abolition of all excise regulations with respect to glass might not lead to a great extension of the manufacture of that useful article in this country; and whether that might not be a new and an abundant source of wealth, by our becoming manufacturers of an article which was now chiefly manufactured by other countries. There was one point to which he thought his right hon. friend (Mr. Goulburn) had intended to call the attention of the House—the policy of increasing the exportation of beer. There did seem to be a prospect of a very great increase in that branch of our export trade; and whether it might not be further increased by some regulation with respect to allowing a drawback, was worthy of consideration. He differed from the hon. member for Middlesex as to the impolicy of the observation made by the Chancellor of the Exchequer, in that tone of caution and warning which he assumed when speaking of the present state of prosperity in the country. It was infinitely more becoming the station of a finance minister to adopt the language and tone of caution, than the tone and language of unbounded confidence. At the same time, he saw great cause for congratulation in the present state of the manufacturing industry of the country. He believed that our present prosperity stood in general upon stable foundations, while peace continued with foreign countries; and particularly if there were any hope of the South American provinces being restored to a state of quiet and tranquillity, he could not but think that, with the elastic spirit of industry and enterprise in this country, there was a reasonable prospect of the continuance of a great part of our present prosperity. But, at the same time, he certainly thought that there were indications which would lead prudent men to doubt whether the whole of that prosperity was sound, or whether the activity which was now everywhere displayed, was necessarily connected with a safe and permanent state of things. It was impossible to see the rapid and universal rise in the price of every article of consumption, without asking the question—to what was that to be attributed? It was impossible to take up some of the newspapers—he particularly referred to some Liverpool papers—without witnessing a rage for the formation of joint-stock companies, having for their professed objects matters exceeding in absurdity those of the joint-stock companies of the year 1825. He had seen prospectuses put forth in a Liverpool paper of schemes which completely astonished him, proceeding, as they did, from a place so eminent in the commercial world, so noted for the astuteness of its inhabitants, especially that class who there carried on

commercial affairs. Projects have been put forth by commercial men for carrying on manufactures and other commercial speculations by means of joint-stock companies, which could only be carried on with success when directed by individual enterprise, and with a view to individual profit. Coupling these two facts together—an universal rise in prices of all articles of consumption, and this tendency not merely to an ordinary kind of speculation, but to similar mad projects to those which prevailed in the year 1825—without feeling any cause of despondency, or any undue anxiety; yet he thought those were but acting the part of prudent men who, in time, made use of words of caution from prudential motives. There were two circumstances which ought not altogether to escape the notice of the House. One was a measure which, when first introduced, he strongly opposed—which he knew was adopted with the single view, and not perhaps unwisely, of meeting a memorable commercial crisis—namely, the measure which relieved the country banks from paying their notes above £5 in gold, and permitting them to exchange their paper for the paper of the Bank of England. While he admitted that, supposing a crisis arose, much of the evil of the crisis might be obviated by giving such permission; yet he always feared that the measure itself had a tendency to precipitate that crisis. Therefore, he for one witnessed the adoption of that permission with some anxiety and some alarm. Now, whether the principle upon which the joint-stock banks were established was perfectly sound or not, he was not prepared to say; but it did so happen, that coincident with all sorts of speculation, the multiplication of joint-stock banks throughout the country had taken place. Nothing could be so unjust as any inquisitorial interference with the private transactions of commercial men; but he thought that, as regarded these joint-stock banks, the legislature had a full right to require that there should be some general regulation established as to the principles upon which those banks should be conducted. Whether or not the habit of granting accommodation to the partners of those banks by issues of their own notes, was perfectly consistent with the commercial interests of the country, was a question which might be well deserving of consideration. He was aware, at the same time, that what might tend to diminish his anxiety was the present state of the foreign exchanges. Whether or not they ought to consider the state of foreign exchanges as a real test of soundness in a time of general commercial confidence and prosperity—whether they acted with sufficient rapidity, and were an infallible guide, was a point upon which he was not prepared to pronounce any decisive opinion. We were now proceeding with a flowing tide and a favourable wind, and every where appeared prosperity and happiness; but we should bear in mind that in all times, even apart from those factitious causes which might be now increasing our prosperity, the commercial history of this country showed that we were subject to vicissitudes arising from excessive speculation; and when that period should arrive—if ever it did arrive—he was sure we should not feel regret that, in a time of general exultation and general quiet, there were some found amongst us who, not desponding—not in the least despairing—nay, believing that a great portion of our prosperity did rest upon stable and solid foundations—yet did, from prudential considerations, warn the House and the country, that that prosperity might not be permanent, and that, interspersed with solid causes of prosperity, there might be others upon which it was not safe to rest. He would not dwell upon this subject; but without advising their entering into an inquiry of an inquisitorial nature, or which might interfere with that free agency which was essentially necessary to the general prosperity of a commercial nation; yet he thought that it was perfectly consistent with that principle, that the legislature should inquire whether the banks of issue, exercising, as they did, one of the royal prerogatives, were conducted upon principles of safety to the interests of the country at large. The resolution was agreed to.



FACTORIES' REGULATIONS BILL.

MAY 9, 1836.

The order of the day having been read for the second reading of the Factory Regulation Bill—

Lord Ashley moved that the Bill be read a second time that day six months.

Sir Robert Peel wished to separate the appeal which the hon. Member for Oldham had made to the reason and deliberate judgment of the House, from that which he had made to their passions; an appeal, he must say, however, which, standing as the hon. gentleman did, free from the imputation of all interested motives, came from him with peculiar grace. There was no speech that had been delivered that night, however creditable it was to the hon. gentleman who pronounced it, that had so great an effect in convincing him of the impropriety of acceding to this motion, as the speech of the hon. member for Oldham, unless, indeed, it was that of the hon. member for Ashton (Mr. Hindley.) What was the result of the argument of that hon. member? A bill passed in 1833, which provided that the children under the age of thirteen should not work more than eight hours a day in cotton factories. That bill assumed, that there could be two relays of children, and the mills might consequently work sixteen hours a day. The hon. gentleman, however, admitted—and he understood the hon. member for Oldham to be of the same opinion—that this system of relays was impracticable, so that the law in effect prohibited working more than eight hours a day. He had come down to the House perfectly unfettered and uncertain what course he should pursue. He had received several communications upon the subject, and seen several parties, but had avoided to pledge himself upon a question which had appeared attended with so many difficulties. The two speeches he had already referred to had, however, convinced him that some alteration was necessary. That legislative interference was necessary, he was convinced; because he was afraid that the natural affection of parents in this case was not to be trusted. The point to be gained was to regulate the hours of labour, so that the law should, on the one hand, prohibit the undue working of children, and on the other, not impose any unnecessary restrictions on the mill-owners, which might operate as a check on this great branch of national industry. The right hon. gentleman ought not to have limited his bill to the single point to which it referred, because the present law had been found inoperative in several respects; but if he rejected the proposed amendment of the law, though he thought it did not go far enough, he should imply that he was content with the law as it stood, which was not the case. By voting for the bill, however, he should still preserve his right to alter it in Committee, and at the same time prove his readiness to amend the present law, should he even act as a friend of the children by refusing to alter the law. The hon. member for Oldham had stated, that he knew of 3,000 cases of false certificates granted, in the district of the country with which he was connected, by which children under age evaded the law. Now, ought the House to be satisfied with such a state of things? Even the hon. member for Oldham himself, firmly as he opposed the right hon. gentleman's motion, had proved that he was not satisfied with the law as it stood. He told the House that the practical effect of the Act was to reduce the number of working hours to eight, while, in his opinion, the number should be ten. The hon. member added, that he would not be satisfied until he succeeded in procuring a Ten Hours' Bill. If so, why did he resist the present motion? "Oh," said the hon. gentleman, "I resist it because I think that by keeping in force an absurd law—a law which must in the long run prejudice the masters—I shall compel them to submit to my wishes." Now, was that the fair way to legislate? Was that the way to make the law respected? The hon. member thought the present law absurd, and yet he was prepared to vote for its continuance. Other hon. members, he was sorry to say, supported the hon. member for Oldham; and prominent in the list stood the hon. and gallant member for Hull. That hon. member had compared the dispute about the hours of child-labour in factories to that which existed "twixt tweedle-dum and tweedle-dee." He should only say, that had the hon. member enacted the part of tweedle-dum on the present occasion, he would

have shown more wisdom. If the existing law was bad, here was a proposition for its amendment; for the title of the bill was "an act to amend the acts for regulating the labour of young persons employed in factories." That title would admit of any amendment of the law. It would admit of an amendment with respect to the granting of certificates. If that part of the law which required the production of certificates as to age were worth any thing, it ought to be enforced. At present no penalty could be inflicted upon a person who might grant a false certificate, unless an information were laid within fourteen days from the commission of the offence. The inspectors reported, that under this restriction it was almost impossible to visit the offence with punishment. After reading the reports of the commissioners, and seeing the manner in which the law was violated, it was impossible, on the score of humanity, to leave the law in its present state. He must say, that the inspectors, judging from their reports, appeared to be disinterested witnesses, and to give their evidence free from any undue bias. Mr. Horner stated—and he was confirmed by the testimony of Mr. Howell—that, through the abuse of certificates, the provisions of the existing Act were constantly violated by the employment of children in factories, under the age limited by the statute; and that new provisions might be devised for obviating these infractions of the Act. Now he appealed to his noble friend (Lord Ashley), for whose intentions he entertained the utmost respect, and he asked him whether he was content to leave the law in its present state, when Mr. Horner said that an amendment would prevent it being evaded? He knew that it was necessary to take some precaution against the cupidity of parents, and he thought that that might be done by a more simple law than the present. He thought it would be preferable to the existing law to declare, that no children below a certain age should be allowed to work in factories (making provision at the same time against the granting of false certificates), and then to prescribe the number of hours during which all persons above that age should work. By sanctioning the system of relays of children, we hold out an inducement to adults to overtax their strength, for they would then work sixteen hours a day. Then, again, how could the system of relays be extended to remote districts? There were a great number of mills in England not in the vicinity of large towns, and which did not work by steam, but by water power. Suppose one of these with a hundred hands, and forty children, how could the relay system be extended to it? The restrictions here gave no security, for the law could not be acted on. Why, then, preserve a clause which, if not carried into effect, might, in consequence of its frequent violation, bring into disrespect and contempt those which might otherwise prove operative? Supposing the system of having two sets of children to work eight hours each were adopted, would not a premium be held out to adults, on whom no restriction was imposed, to tax their powers to the utmost, in order that by working double they might obtain that degree of employment their wants would require. While, therefore, they profess to support the children working in factories, by compelling the masters to adopt the system of relays, they would be doing an act of great injury to the adult labourers. Then with regard to schools, as they would be affected by the relay system. Was the school to be connected with the factory? If not, it must be but a short distance from it. Was the school to be opened during the entire time of labour? If not, you have made no corresponding provisions for the hours of work and the hours of education. As he understood the proposition of the right hon. gentleman, it was this:—That children under twelve years of age should continue subject to the present law (or, in other words, that their period of labour should be eight hours), but that children above twelve years might be called on to work for sixty-nine hours a week, or twelve hours for five days, and nine for the sixth, being Saturday. He thought that even with this amendment the law would be in an unsatisfactory state, but feeling that it was quite impossible to please all parties, and that the cure was not quite so bad as the disease; feeling, also, that the existing law was not consistent with humanity, he was willing to entertain the right hon. gentleman's proposal. Then, one word as to the danger of foreign competition, said to be likely to result from this question, and urged as an argument against it. The danger of competition was a perfectly good ground for reducing the duty on cotton wool; but the danger of competition was not a good ground for endangering the health of the factory children. He was quite opposed to the adoption of any severe restrictions

on labour, from the belief that they were calculated to undermine the commercial energies of the country, and thereby to strike a blow against the happiness and comfort of the people; but when he was asked whether he would resist any attempt at amendment, or whether he would support the continuance of the present law, he felt bound to say he was conscious of the necessity of amendment, and, therefore, that he would vote for the proposition of the right hon. gentleman.

The House divided on the original motion—Ayes, 178; Noes, 176; majority, 2.

## THE CANADAS.

MAY 16, 1836.

Mr. Roebuck moved a resolution relative to the Executive and Legislative Councils of the Canadas, but, at the suggestion of Sir George Grey, the hon. gentleman consented to withdraw his motion.

SIR ROBERT PEEL said, that the conditions on which the motion appeared to have been withdrawn, imposed on him the necessity of saying a few words, not upon the general question, but upon the position in which the immediate question under consideration was left. It was not his intention to detain the House long, and he would merely observe in reference to the motion, that he thought, that with the views entertained by the hon. member, he had acted wisely in withdrawing it; but the hon. member had withdrawn it upon grounds which were calculated, in his opinion, to excite expectations on the part of the people of Canada, which, if not realized, would leave this question in a worse position than formerly. The hon. and learned gentleman did not bring forward a question relative to the general state of Canada, but had given notice of a distinct proposition—that the House should resolve itself into a committee of the whole House, to take into consideration such parts of 31st George III. c. 31, as relate to the Executive and Legislative Councils of the Canadas, for the purpose of rendering the same efficient to the good government of those provinces. The immediate question brought under discussion by the hon. gentleman was, in point of fact, the substitution of an elective council for a legislative council appointed by the Crown. He had come there prepared to give his negative to that proposition. The hon. gentleman had withdrawn it in consequence of the speech of the hon. baronet, the under-secretary for the colonies, on the ground, he presumed, that expectations were held out that this question of a material change in the executive council, and in its constitution, would occupy the attention of the commission. That, he apprehended, must have been the understanding of the hon. member when he withdrew his motion. He (Sir R. Peel) begged to say for himself, lest by silence he might seem to acquiesce in a different construction, that he was not a party, as an individual member of that House, to this compact. He did not question the prudence of the hon. gentleman in withdrawing the motion, but he thought that that proceeding, after the explanation which had been given by him, was calculated to raise expectations in the minds of the people of Canada, that the subject he had referred to was under the consideration of the government. [Mr. Roebuck: It was stated in the instructions that it was so.] He admitted it was mentioned; but in what manner? Lord Glenelg in them said, "That the king was most unwilling to admit as a matter of deliberation, the question whether one of the vital principles of provincial government should undergo alteration." It was also stated—"that the solemn pledges so repeatedly given for the maintenance of that system, and the just support which it derived from constitutional usages and analogies, were alike opposed to such innovation, and might almost seem to preclude the discussion of it." Could a minister of state be conceived to give a stronger opinion as to the inexpediency of any proposed measure, and as to the absence of any argument that might be deduced in support of it from constitutional usages and analogies? Lord Glenelg also said, "It must be recollected that the form of provincial constitution in question is no modern experiment nor plan of government, in favour of which nothing better than doubtful theory can be urged. A council nominated by the king, and possessing a co-ordinate right of legislation with the representatives of the people, is an invariable part of the British colonial constitution in all the

transatlantic possessions of the Crown, with the exception of those which still remain liable to the legislative authority of the King in Council. In some of these colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent nation, it prevailed over every part of the British possessions in the North American continent not comprised within the limits of colonies founded by charters of incorporation. The considerations ought indeed to be weighty which should induce a departure from a system recommended by so long and successful a course of historical precedent." Justified, therefore, by these reasons, he was prepared to oppose any serious change in the form of government in the colony; and if it were necessary, he would add, that it would be better for the ministers to make up their minds to the change, and take it into their own hands, than to leave the matter open for discussion, as it would be if the motion were withdrawn under an impression that the question was under consideration. He should be very sorry to say one word on the merit of the question. He should wish to consider the hon. gentleman as being in the position of any hon. member who had made an original motion and withdrawn it, after exercising his right of reply. Cautiously avoiding, therefore, the discussion of the principle of the subject, he must yet be careful not to acquiesce, by silence, in the grounds on which the hon. member had thought proper to withdraw his motion. Lord Glenelg stated, in the instructions which he had addressed to the commission, in the sixty-seventh paragraph, that a disposition existed on the part of his Majesty "not to refuse those who advocate such extensive alterations an opportunity of proving the existence of the grievances to which so much promineney has been given." What he feared was, that the necessity for change was a matter that is wholly incapable of demonstration. But suppose they should say that they were ready to correct all past abuses by the adoption of a new and improved system in future, would not that be an answer to the demand made upon the legislature? It might be easy enough to establish the existence of abuse; but as to the proof necessary to show what would be the best form of government in the colonies, that was a question which it would be utterly impossible to submit to any test which would lead to a satisfactory result. After all the experiments they could try, they would find that the opinions of men remained unchanged as to the wisdom of their own particular theories; and although they might have abundance of allegations of specific grievance, still they would not bring home to the breast of any one the conviction, that his particular notions with respect to the form of government which ought to be established were founded in error. If, however, the ministers purposed to make a change in the constitution of the government of those colonies, he hoped that they would bring their proposition forward with as little delay as possible, because, if it were not their intention to take that course, if they meant to preserve that "vital principle" in our colonial governments, which they said was sanctioned by long and "constitutional usage and analogy," he must express it as his opinion that they had better at once avow what they really intended, and by that means prevent any party from cherishing false expectations—expectations which, if permitted to exist without the voice of a single independent member of this House being raised against them, were calculated only to embroil still more the unfortunate affairs of the Canadas.

Mr. Roebuck's motion was withdrawn, and the Order of the Day read for a Committee of Supply, but the Committee was postponed.

## TITHES AND CHURCH (IRELAND).

JUNE 1, 1836.

The Order of the Day for the second reading of the Tithe Bill (Ireland), having been read—

Lord Stanley moved as an amendment, "That leave be given to bring in a Bill for the conversion of Tithe Composition into Rent Charges, and for the better distribution of Ecclesiastical revenues in Ireland."

A long discussion ensued, and the House adjourned.

JUNE 3, 1836.

In the third day's debate on Lord Stanley's amendment, and in reply to Mr. O'Connell,—

SIR ROBERT PEEL spoke as follows:—I hope the hon. and learned gentleman is not about to quit his place,—[These words were followed by the most deafening yells and cheering from the Opposition benches, which continued for some time. Mr. O'Connell left the House for a minute or two, and returned.] It certainly is much more agreeable to a person rising to notice observations, made with considerable vehemence and warmth by another, that he should have the opportunity of noticing them in the presence of that person. And as the hon. and learned gentleman did personally suggest to me, the taking a note of what he was saying, and challenged me to give an answer to the statement which he was making, I think I could hardly have expected that the first act of his on closing his speech, would have been to deprive me of the opportunity of making my comments in his presence. The learned gentleman commenced his speech by a warm eulogium on a speech delivered the other night by the member for Weymouth (Mr. F. Buxton). He considered that speech as a complete exemplification of Christian charity; as a proof that it was possible for a man to maintain his own opinions, and to urge strongly his own views, and yet do that without insulting his opponents—without imputing to them impure and corrupt motives for the conduct which they were pursuing. The learned gentleman advised that, as a specimen of true Protestant feeling, the hon. gentleman would not trust his speech to a reporter, but would report and publish it himself. For the purpose of giving force to the contrast, will the learned gentleman report his own speech? He admires the example which has been set him, he admires this proof of Christian charity and truly Protestant feeling; but in the speech which he has made to-night, in his imagination in the character of a West Briton, it is quite clear that, while he admires the example, we have not made him a convert to Protestant charity. The learned gentleman says that it is right we should understand the bill, as statesmen, before we pronounce upon it. I listened to him, having great doubts whether I did understand the bill, having doubts whether I did comprehend the real motive from which it sprung, or the object which it professed to gain. I did listen with patience and attention to him for the purpose of having any deficiency of information supplied to me. The learned gentleman was exceedingly severe on the hon. gentleman beside me (Mr. Harvey), whom it is no part of my duty to defend—whom it is no part of my duty, because the hon. gentleman, I think, opposed the proposal of the noble lord, as he did the bill before us. But I must say, after the avowals made by the learned gentleman, that although it is no part of my duty to defend the member for Southwark, I do not conceive why he was subjected to the attack of the hon. and learned gentleman. The hon. and learned gentleman says, that the member for Southwark entertains extravagant notions on this subject, that he contemplates the appropriation of tithes to the purposes of charity or of public utility; and then he says, that he will tell us what his own opinions on the subject are. Why, they appear to be about as extravagant as those of the hon. member. He says that the true notion would be that of turning tithe to land, giving up the corn-laws to commerce, and paying the clergy out of the Consolidated Fund. Why, that seems to be pretty nearly as hopeless a proposition as that of the hon. member. The hon. and learned gentleman says that this bill will settle the tithe question. [Mr. O'Connell: No.] Not effect an arrangement of the tithe question? [Mr. O'Connell: At present it will not.] Then why does he invite us to accede to it? If it is to effect no settlement, if it will continue the discontent and disorders which prevail, what is the argument by which the learned gentleman asks the vote of the House to it? The learned gentleman makes a speech, in which, professing to be an advocate for this bill, he repudiates every one of the principles on which his Majesty's government profess to rest it. At the same moment that he is professing his adherence to it, he uses arguments which preclude its acceptance by the people of Ireland. "Make this settlement," he says, "for the Church." "Do you wish," he asks, "to put an end to scenes of bloodshed that have caused pain to every feeling mind?" We do; but what hope have we of putting an end to those scenes of bloodshed if we are to accede to this arrangement, and then hear the comments which the hon. gentleman makes? The bill of his Majesty's govern-

ment proposes to allot £368,000 to the maintenance of the parochial clergy in Ireland; that sum is to be raised by annual payments, according to the bill—that bill of which the learned gentleman is the advocate, and which he condemns us for not acceding to. The whole change is to be a conversion of tithe composition into rent-charge, the rent-charge being paid, in the first instance, by the first estate of inheritance—by the landlord; but being subsequently paid to the landlord by the occupying tenant. The bill maintains an establishment. The hon. and learned gentleman says no establishment ought to be maintained. The bill makes the support of that establishment to fall on the occupying tenant, not by a direct payment, but indirectly it does so. The learned gentleman says that he is an advocate for the voluntary principle; he thinks that no man ought in justice to be required to pay for the support of a religion which he does not profess, and that the clergy of Ireland ought to be paid by the Consolidated Fund. Observe, these are arguments which he uses to induce the people of Ireland to adopt the bill, which is directly opposed to the voluntary principle for which he contends. They are to have tithe composition converted into rent-charge. He is opposed to redemption, which we propose; but “no,” says the learned gentleman, “I will not even give you leave to bring in your bill; the real extirpation and extinction of tithes shall and must be part of the arrangement.” They are to be called on for the annual payments, and the learned gentleman who invites them to pay, says that he maintains the system of the voluntary principle, and the injustice of any man supporting a religion which he does not profess. The hon. and learned gentleman says, that if we do justice, we ought to allot seven-eighths of the tithes to the Roman Catholics as an establishment. Is that the way in which he reconciles the Roman Catholics, who receive no part of the tithe, to pay the seven-eighths to the maintenance of the Protestant establishment? And finally, the learned gentleman says, that Scotland did not effect the establishment of her religion by this tame acquiescence—that her people went out in the morning on the mountain-sward with their claymores—that they were not content with liberty of conscience, but demanded establishment, and with establishment an ascendancy. And the hon. and learned gentleman, with his boasted influence over the people of Ireland, thus demonstrating his views of the injustice of this arrangement, tells us that we may hope the next winter will pass in quiet, and that there will be a universal and cheerful acquiescence, because tithe composition is converted into rent-charge. The learned gentleman, too, calls us men of blood, and insinuates that we view without horror—almost with satisfaction—the melancholy consequences of enforcing legal rights. He details, as is his wont, the scenes of Rathcormac; he tells us of the widow and of the orphan; and by this enumeration of horrid details he works on the feelings and on the passions. Now, let me ask of the learned gentleman, after the views which he has expressed of the injustice of maintaining an establishment, if the wrong of departing from the voluntary principle, and the grievous oppression of withholding from the people of Ireland seven-eighths of this fund, for an establishment of their religion—if for an establishment they were disposed—let me ask of the learned gentleman what security he can give that, next winter, without the shedding of blood the enforcement of his rent-charge will be possible? Will he abandon it to the first threat of opposition, or if opposed will he enforce the law—and if the civil power be insufficient, will he call in the aid of the military force? If he will, he will be responsible, as he attempts to make us, for the scenes of suffering which he details—for the cries of the widow and the orphan. If, on the other hand, he advises, that on the first show of resistance you should abandon your right, then let me ask you what becomes of your security for the rent-charge? There have been many speeches delivered in the course of the debate, many parts of which I should have been glad to notice, but on account of the lateness of the hour, and because I feel how completely exhausted the subject is, I shall refer only to their speeches which were peculiarly important, either from the ability which they manifest, or the station of those who delivered them; and first and shortly, I shall refer to the speech of the learned gentleman (the member for Weymouth), which has excited the admiration, but has not insured the imitation of the learned gentleman. That hon. gentleman (the member of Weymouth) has, I think, for some reason or other—I am sure a conscientious one—abated somewhat of his anxiety for the Protestant establishment. The anxiety and apprehensions which he expressed last year have been considerably diminished. The hon. member

then insisted that ample precaution should be taken in case of an increase of the number of the Protestant establishments, for holding ample reserves for the purpose of ensuring the spiritual care for their increased numbers; and he now makes his vote for this bill dependent on one condition—he, a determined friend of this bill, was yet prepared to withhold his assent from it and oppose it, unless he received some assurance that immediate inquiry should be instituted into the subject of Irish education. But can the hon. gentleman be surprised at other persons entertaining a similar jealousy? If the hon. gentleman thinks that there is a *prima facie* case for inquiry—and he is prepared to withhold his assent to the bill unless inquiry be conceded, let me ask him what he would do supposing inquiry were conceded, and the result to be unfavourable? Surely, if there be ground sufficient to withhold your assent from an important measure unless inquiry be granted, it follows as a matter of course, that assent ought to be withheld if the result of inquiry should be unfavourable; and can the hon. gentleman be surprised if when he thinks it necessary to demand inquiry, the members of the establishment in Ireland should view with some reluctance and apprehension, before the inquiry, the irrevocable alienation of their property by act of parliament, for the purposes of advancing the object of this bill. The hon. gentleman says, “You contend that there is no surplus, and if then,” he triumphantly asks, “there be no surplus, what can be the possible objection to appropriation?” I tell the hon. gentleman, in the first place, that to discuss hypothetical questions with respect to excess of property, is dangerous to all property. I say that it signifies not what the character of the property be; I may see the distinction between corporate and individual property—I may recognise that the one is a trust, and that the other belongs to individuals without a condition annexed to it. But although there be that distinction in the character of the property, let me tell the hon. member that the danger to all property of discussing hypothetical cases with respect to excess is precisely the same. Establish the fact of a surplus, and with your principle, having determined the amount, proceed to appropriate. But there is danger, you being uncertain whether there be a surplus or not, in your assuming the contingency and providing for its appropriation. Suppose the hon. gentleman said to a man engaged in trade, or having large landed possessions, “We will provide that in case of there being an excess of property, more than is sufficient for your wants, it shall be devoted to some other purposes.” If that were objected to, the answer would equally apply, that “if there be no surplus where is the harm done?” It is a bad precedent to establish, and on that account it is objectionable; it is objectionable to set the precedent of legislating for hypothetical cases. If the hon. gentleman has watched the course of legislation this session, he must have seen that we have enough to do with practical matters. This is the 3rd of June, and we have made no great advance in practical matters. The clap-traps of the last government have been held up to public scorn; but so satisfied is the hon. gentleman of the progress which we have made in the remedy of grievances, and in administering practical measures of relief, that he is content to provide, on an assumption of the future, for contingencies which may never arise. But there is another evil. If there be no surplus, you are practising a gross and unjustifiable delusion. You are deluding the tithe-payers of Ireland. You have not taken a surplus from the Irish Church. You have appropriated nothing from the Irish Church. You have taken £50,000 from where? From the consolidated fund. Who provides the consolidated fund? The tithe-payers of Ireland, by taxation, contribute towards it; and the delusion which you practise on them is this—that, after the lapse of years, you will perhaps be enabled to obtain something from the surplus of Church property for the payment of that £50,000 which you now take from the consolidated fund. The noble lord told us, that it would be years before a surplus arose for that purpose. And this is the question about which we are debating. This is the matter on which apparently parties are at issue; then, years hence, a few hundreds will be raised for the purpose of paying a surplus which does not exist, but which you are giving a fictitious existence to by taking it from the produce of the general taxation of the country. That, then, is my answer to the hon. gentleman—that if there be no surplus, although in one sense the concession of appropriation may be small, it is objectionable in principle, as endangering property, and objectionable in fact, because it is a delusion. The three speeches to which I wish more particularly to refer are, the speech of the

noble lord, the secretary of state for the Home Department, the speech of the noble lord, the secretary for Ireland, and the speech of the learned gentleman, the member for the county of Tipperary. I select these three speeches because I consider them of importance themselves on account of the abilities of those by whom they were delivered, and on account of the station of the two noble lords, and also because one of them, as we are told, indicated the principle on which the government has proceeded. That was the speech of the noble lord, the secretary of state for the Home Department. The speech of the noble lord, the secretary for Ireland, administered what he called in his jocose phrase, "a dose of calculation." The speech of the learned gentleman was important, he being the able and eloquent representative of a class, and explaining the grounds on which he gave his apparently cordial support to this proposition. The noble lord, the secretary for Ireland, told us last night, that in the speech of the noble lord, the secretary for the Home Department we must look for the principles of this measure. He said that the measure was founded on broad and fundamental maxims, and that those should be explained by the noble lord, the leader of the House of Commons; he intended to perform the part—which he performed with great ability—the subordinate part of supplying the arithmetical calculations. He said, "Important as are the principles—although we rely on them—although they are broad and fundamental—and although we are almost inclined to disregard statistical and arithmetical calculations, yet the inferences which we draw from our philosophy are confirmed by our arithmetic; we stand on the double ground—we defy opposition, and, fortified by philosophy and figures, we are prepared for the contest." I want to examine both the philosophy and the facts. I first want to examine the principle on which this rule professes to be founded; and then the principle having been established, I want to ascertain whether the calculation be correct. I want to show that not acting on my own assumption—not defending the abuses in the establishment—not urging extravagant compensation for sinecures, or insufficient duty—the arithmetical calculations of the noble lord fail him. I want to show—taking his own data, with the new amendments which have been introduced into the bill—he has been again deceived. I am almost afraid to do this, because the noble lord next year will tell me that the scheme is mine. I expect that, because I assume the principles of the government—because I attempt to show that on their own data, they have hardly the means of executing their own intentions, the noble lord will hereafter tell me, "This was your plan of Church Reform, and you ought to be satisfied, because we have adopted your suggestions." The noble lord (the secretary for the Home Department) had risen professedly to reply to the noble lord, the member for North Lancashire, who, the question turning necessarily on arithmetical details, had confined himself naturally to this narrow compass, not whether in the case a large surplus should be proved to exist, it would be proper to appropriate it in such and such a manner, but whether any surplus at all did exist or not. The noble lord, the member for North Lancashire, had gone on step by step throughout his speech to show, that if the clergy of Ireland were adequately provided for there would be no surplus. The noble lord, the secretary for the Home Department, gave a short explanation of the principle on which the measure was founded, and then, having made a declaration against figures as of very little importance, the noble lord flew into a declamation on the course which he stated we were about to take. "On the same grounds," said the noble lord, "on which you brought in or acquiesced in the coercion bill, or in the same spirit in which you resisted corporate reform, and in which you have misgoverned Ireland for seven centuries—on the same grounds and in the same spirit you now refuse to appropriate a contingent surplus, and I cannot condescend to argue the question when placed in this its true light." Such was the declaration of the noble lord. But was the principle a new one on which this measure professed to be founded? I thought, until the noble lord had spoken, that the principle adopted by his Majesty's government was, that the first claim on the revenues of the Church was for the purposes of the Church. I thought, that on that view the claims of the Roman Catholic population were necessarily excluded, not only here, but by the government, until the fact of the existence of a surplus was ascertained. "But," said the noble lord, "you talk of £200 per annum for the Protestant clergyman, and for supplying the spiritual wants of Protestants; but you omit from your calculation the 6,500,000 Roman Catholics: you consider



them as aliens in blood—as subjects of a lower class than yourselves; you totally forget their claims on the Church revenues.” Sir, for myself, I disclaim entertaining any such view with respect to my Roman Catholic fellow-countrymen. I have always said this, and I repeat it, that civil disabilities having been removed, I admit no civil distinctions between any of the classes of his Majesty’s subjects. They stand in that respect upon a perfect equality. But if I admit that the first claim on the revenue of the Established Church is the spiritual wants of the Church, I have a right to exclude the claims even of the 6,500,000 Roman Catholics. I don’t say, neglect those claims—I don’t say, withhold the means of supplying the deficiencies on which they rest—I don’t doom the Roman Catholics to the darkness of ignorance, and eternal deprivation of the light of knowledge—I say, consider their condition and ameliorate it; and if they are in such a state of ignorance as they have been represented, surely this kingdom is powerful and prosperous enough to find the means of enlightening such a class of her Majesty’s subjects. I do not, therefore, exclude the 6,500,000 Roman Catholics from a share in the benefits to be derived from instruction and knowledge. I only doubt the legitimacy of their claims until the spiritual claims of the Church of England in Ireland are satisfied. I only say, don’t satisfy these claims from that source. I do not say that these claims do not exist, neither do I say, postpone the consideration of these claims, and doom those who urge them to ignorance. All I maintain is, that their instruction should be provided for from sources not affecting the revenues of the Established Church. When I heard the noble lord declare his willingness to try a new principle with respect to the Church Establishment, I thought that new principle would at least be a common one. This I know, that the principle I have laid down was a common principle. What new colleagues the noble lord may have, or how he may have been compelled to change his opinion, I know not. Having no surplus, your arithmetical calculations fail you. Your old principle not answering your present object, it became necessary to devise a new one. With that I have no concern; but I would prove to you that your old principle was in conformity with my view. In the year 1833, the noble lord’s (Stanley’s) scheme for Church reform was proposed. It was that scheme by which extensive and important reforms were effected. The number of bishops were reduced from twenty-two to twelve; provisions were made for the complete extinction of all sinecures; power was taken of dealing with every existing living, and apportioning to them stipends of not more than £800, and not less than £200 per annum. He who proposed the bill explained the principles on which it was founded, and the means taken by his Majesty’s government with respect to the principle of the appropriation of Church revenues. The noble lord, who was the Secretary for Ireland, is now considered as entertaining extreme opinions on the subject of the Irish Church, and on the inalienable nature of the revenues of that Church. But was that bill proposed by the noble lord? No, but by Lord Althorp, who, as if to give more emphatic proof of the fact, that it was not the bill of an individual, but the measure of government, distinctly declared, in proposing it, that “it had been agreed that this measure should be brought forward as a measure of the government; and it had been thought best, on the present occasion, as on former occasions, by a person who filled the situation in the House that he filled, rather than the particular minister with whose department in the government of Ireland the measure was more especially connected.” The noble lord, in the course of that speech, having explained the details of the measure, continued—“However great the difference of opinion may be, as to the right of parliament to apply the property of the Church to the purposes of the State, both those who think it has no right to transfer it, and those who think that it has, all are agreed, I think, in this, that the first claim on the property of the Church is, the Church itself.” No parties are likely to dissent from this opinion, except those who either think that there ought to be no Church Establishment at all, or those who think that a different Church ought to be established in Ireland. The noble lord repudiated the notion that seven-eighths of the property of the Church Establishment should be disposed of, in proportion to the number of those who differed from it on religious opinions. “We have heard,” said the noble lord, “frequently of benefices in which no duty is performed at all, or where there is no Church, or where there is no resident minister. We have heard these statements frequently made; but it is also well

known that there are many places where there are congregations in which there is a difficulty in the due performance of public worship; and that the working clergy, whilst their superiors enjoy large revenues, have very inadequate incomes, and are frequently placed in the most distressing circumstances. There are 200 livings in Ireland of less value than £100 a-year. Whilst this is the case, where there are Protestant congregations who require to be supplied with the means of attending divine worship, it cannot surely be said by any one that the Church of Ireland ought not to have the first claim on the property of the Church." These were the opinions adopted by the government of 1833, and explained by Lord Althorp. Then, Sir, what is the principle now assumed by the noble lord? I took a note of his words. I hope it will be found accurate. I hardly think there is a mistake in it. Now, observe, that the opinion of Lord Althorp and the government of 1833 was, that in case you admitted the Established Church to the first claim upon the revenues of the Church, it follows as a necessary consequence, that you must have this country divided into districts of a convenient distance, and a proper stipend attached to each. But the principle which the noble lord maintained was this—"When you talk," said he, "of the State, I contend that it is the duty of the State not to choose or select a religion which shall be in accordance with the religious opinions of the legislature or supreme authority, but to secure the means of inculcating instruction and morality amongst the great body of the people. If we were to maintain any other opinion, we must extend the Established Church of this country to Hindostan, and the clergy of our Established Church should repair thither, in order to spread throughout these, and all our other dominions, one religion, and to enforce a conformity to one faith." Now, I have heard of an established religion, of which the propagation of its doctrines was not the main object. If that object be not the propagation of its doctrines, there is an end to the Establishment. How is that possible, but by inculcating the subscription to those doctrines which the professors of that religion maintain? "But," says the noble lord, "it is the duty of the State not to select a religion in accordance with what the legislature, or the supreme authority, may consider right; but to inculcate instruction and morality amongst the people." I say, that doctrine is fatal to the Reformation. It may be the duty of the State to take measures for the general instruction of the people—it may be the duty of the legislature to provide the means of moral instruction in a country circumstanced as Ireland is, it may be proper to provide some mode of supplying instruction on a national principle, precluding the prevalence of any special religious doctrines from such a system—but if an establishment is kept up at all, it should be for the purpose of maintaining the doctrines which it was established to enforce. What are these doctrines? The doctrines of Protestantism, as opposed to the creed of the Church of Rome. If we are not ashamed of the Protestant faith, can we maintain the principle that it is not the duty of the legislature to provide the means of inculcating, not merely the moral instruction of the people, but affording the inhabitants of the country the means of worshipping God according to the rites of the Protestant religion, and selecting the ministers of that religion with the view of inculcating it. And if we determine on this course, the noble lord argues that we must extend to Hindostan the clergy of the Established Church. Why? What! is the Church of Ireland placed in such a position as to make the question, whether the established religion should be extended to Hindostan an analogous case? Is not the Protestant religion introduced by law into Ireland? Is not the King sworn to maintain the Protestant religion in Ireland? Does not the Act of Union guarantee its maintenance? And shall I be told that the question of the maintenance of the Protestant religion, and establishment of it in a portion of the empire, with respect to which its continuance is guaranteed by the compact of the Act of Union, should be argued in the same way as the question, whether the Protestant clergy should be diffused over Hindostan? If there be one established religion, the inculcation of its doctrines—let the noble lord say what he will—is an essential condition of it, and it cannot exist without it. If it be not our duty to inculcate the especial doctrines, it is our duty to abolish the establishment. Paley argues that the religion of the majority should be the established religion. But if Paley were right, and we were wrong, still it must follow, as a necessary consequence, that the doctrine of the established religion must be inculcated. The question, whether you choose the religion of the State,

in conformity with what the supreme authority considers the truth; or whether you take the religious belief of the majority as the foundation for your establishment—and the latter proposition seems to have had the support of Paley—may be open to doubt. But whether Paley were right or wrong, that after you had selected the religion of the State, you are bound to inculcate its doctrines, seems to me to be a principle altogether incontrovertible. If, indeed, the noble lord's principle be correct; if it be our duty to inculcate general, moral, and religious instruction, rather than the doctrines of the Established Church; then, indeed, the noble lord is justified in maintaining that the revenues of the Church should not, in the first instance, be applied to Church purposes, but without reference to the demands of the Church, the order of distribution should be reversed, and moral and religious instruction be administered to the people through other means than those which the establishment supplies. But the system of instruction proposed by the noble lord, and to the support of which the supposed surplus is to be applied, excludes all reference to religious doctrines. The noble lord's intended system excludes all reference to religious opinions, and the first claim on the revenues of the Established Church, is to provide means for the maintenance of such a system. If Lord Althorp's principle be adhered to, namely, that the first claim on the church revenues is the supply of the spiritual wants of the Protestants, we are entitled to see what is really required to satisfy those wants. If, however, that noble lord's principle be correct, we are bound to inquire, not what may be requisite for upholding the Protestant Church, but what may suffice for affording moral and religious instruction to the people. But how does the noble lord satisfy the conditions of his own proposition? If it be the duty of the legislature not to support the establishment, but to devise means for promoting the moral and religious instruction of the people, why does he consent to postpone it? If it be his duty to the people of Ireland to take from the revenues of the Protestant Church, why does he make a boast of a plan which is to depend upon a contingent surplus, and which must take many years before it can be carried into execution? The noble lord having assumed the principle of Lord Althorp, that the first claim is the wants of the establishment, I will prove to him that his large surplus would have no existence if the reasonable wants of the church were supplied. The whole question turns on the accuracy of the noble lord's calculations. Now, I am going to question their accuracy, and without ascertaining whether his magnificent surplus should be devoted to general moral instruction or not, I intend to show that his estimates are fallacious, and if he was prepared to uphold his own expressed intentions with regard to the Protestant Church, there will, in point of fact, be no surplus. And if that be the case, then I say, it furnishes an undeniable argument in favour of the amendment of the noble lord, and I have a right to call on you not to countenance those delusions, and not to hazard the security of the church and of the peace of Ireland, by holding out expectations which cannot be realized, and which can only end in disappointment. I will make no allusion to the fund for the building of churches, but I entreat the noble lord's attention to a scrutiny of his calculations. The noble lord proposed that 1,250 benefices should be continued in Ireland. He had, with a view, as he said, of consulting the feelings of the people of England, given, as an average amount of income for each clergyman, £295 a-year. Of this £295, forty-five pounds were to be supplied by glebe; and, consequently, £250 would remain to be supplied by tithes. The total revenue which the noble lord, according to his plan, would require for the parochial clergy of 1,250 benefices, would be £368,750. Deduct the glebe—for that calculation included glebe, which amounted to £56,000—and the sum which the noble lord would require from tithes would amount to £312,750. There is an error in the noble lord's calculation; but I will take the noble lord's own figures. The noble lord estimated ecclesiastical tithes at £511,000: he thought they only amounted to £507,000, but he would take the noble lord's estimate, and, deducting the thirty-two and a half per cent., which would amount to £166,000, from the £511,500, and there would remain £345,500. The tax on benefices is £7,300, which will reduce the amount of ecclesiastical tithes to £338,000. The noble lord calculated on 250 curates, which was a large reduction on the present number of 450. The curates were to be allowed £100 each; £75 of which is to be paid out of the general fund, and £25 by the clergyman. Still, though drawn from different

sources, £100 a-year must be drawn from tithes. The fund thus created will amount to £25,000. The amount of tithes has already been reduced to £338,000, take from it £25,000, and there will remain £313,000. The noble lord said not a word about reopening compositions, or the purchase of glebes, which, in my opinion, will amount at least to £20,000. I have already reduced the sum to £313,000, and if I am correct in the statement of what is to be allowed for the purposes just stated, it will reduce it to £293,000. But to this must be added, £10,000 ministers' money, which, upon his own showing, will raise the sum calculated upon by the noble lord to £303,000. Out of that sum 1,250 benefices are to be provided for at £250, which will amount to £312,000. By deductions from the noble lord's own principles, it is plain that he wants £312,000, and he having only £303,000, instead of there being any surplus, it is plain that there will be a deficiency of £10,000. Where will this surplus be derived from? It can come from no other source whatever but the sale of church lands. The noble lord has taken power by the bill to sell church lands on the next avoidance; tithes are uncertain property, but land is not. They left, as the bill stood, the clergy in the possession of a rent-charge, and they took the power of selling every acre of church land into the hands of the Crown. What is the case which they heard stated to-night? There was a clergyman deprived of every shilling of his tithes; but having the good fortune to have twelve productive acres of land, and God having blessed him with sons able and willing to work—ashamed to beg, but not ashamed to dig—he contrived to eke out a miserable subsistence by the produce of some potatoes, gleaned by the sweat of his own sons' brows. The noble lord last night made a great impression on the House, by attempting to show what is the amount of duty committed to an English clergyman, compared with that of an Irish clergyman. The comparison which the noble lord instituted between a clergyman in Scotland and in Ireland is wholly inapplicable. The noble lord estimated the average extent of parishes in Ireland at 10,000 acres, the area of an English living at 3,460 acres, or five square miles. Now, it did not at all follow as a necessary consequence that the duties of a clergyman were in proportion to the number of the inhabitants of his parish; for a small number scattered over an extensive area would impose duties much more burdensome than a larger number living in a small extent. In Ireland the noble lord computed there were 10,000 acres in a parish comprising an area of from thirteen to fourteen square miles. But that estimate is altogether incorrect; and if I prove that, what confidence can be placed in such statements, and what becomes of the conclusion that the Irish clergyman is assigned a sufficient stipend for the duties which he has to perform? There are 20,000,000 statute acres in Ireland. Divide 20,000,000 acres by 1,250, the number of the benefices, and there would remain 16,000 statute acres for every parish. The noble lord's estimate is 10,000, so that here is an error of 6,000 acres. The noble lord also said, that the limit of the area was fourteen miles. But there are 640 statute acres in a mile; and divide 16,000 by 640, and it will be found that the noble lord has made an error of about twelve square miles, when he estimated the area of the parishes in Ireland at from thirteen to fourteen miles. The average is twenty-five square miles, instead of fourteen. The average number of Protestants in each benefice is 650, who will be intrusted to the charge of every minister of the Church of Ireland. Now there being 650 members of the church, and the duty being extended over twenty-five square miles on the average in every benefice, is it just to limit three-fourths of the establishment to £250 per annum at the *maximum* of emolument? Why, then, talk sarcastically of acres? That is a wretched sophism put forth to extort a cheer from a party. And you who have repeated with so much levity this doctrine, will you allow me to read to you what was said by Lord Althorp when the Church Temporalities' Bill was under consideration. The noble lord's words were:—"Sir, a great deal has been said with respect to the number of bishops in Ireland, as compared with the number of bishops in England. I do not consider that, however, to be quite a fair mode of making the comparison, because the duties of the bishops in Ireland do not depend wholly on the number of souls in their dioceses, but on the space over which those duties are to be exercised: the duty of a bishop requiring the regular visitation of the different parts of his diocese." So that Lord Althorp admitted, that the consideration of space ought to be one of the elements of the question. Now, what is the scheme with which I have been

finding fault? My object is to show you, that even taking your own plan of supporting the church, even with the scanty pittance which you dole out to its ministers, you can have no surplus. I shall take the dioceses of Cashel and Tuam, comprising very nearly one half of Ireland, for those dioceses contain nearly 10,000,000 statute acres, and include the counties of Tipperary, Limerick, Kilkenny, Waterford, Cork, Kerry, Galway, Clare, Roscommon, Mayo, King's County, Queen's County, and Sligo. In these two dioceses, by your plan there will be only eleven livings exceeding £300 a-year, and which must be under £400 a-year. What hopes of advancement can be held out to the clergy, when for one-half of Ireland there will be only eleven benefices exceeding £300 per annum? In the diocese of Cashel there are 469 benefices; in Tuam only 103; making a total of 572 benefices; and in the two dioceses there are 423 churches. Now out of the 572 benefices, by this bill of his Majesty's government, 489 can in no case exceed the value of £200 per annum, and may be only worth £100. I have, however, that confidence in the noble lord opposite that I do not believe, while he holds the office of secretary for Ireland, that he will ever hesitate to use the power he will possess, to raise the £100 livings to £200 per annum. Thus, then, out of the 572 benefices, the prizes are to be eleven livings varying from £300 to £400 per annum. I know that the number of Protestants in these districts is small, and that Roman Catholics have the preponderance; but still I never shall believe that it can be for the interest of the established church, that for one-half of Ireland there should be allotted only £100 a-year for each of 489 livings. I share, in common with the noble lord opposite, all the revolting feelings he so strongly manifested when he stated the other night, how painful it was to discuss what ought to be the lowest stipend of a minister of the Church. If this were *res integra*—if this were an allotment out of the consolidated fund, there might be something in the proposition; but this is an allotment to be made to the clergy out of property which is their own. I am as ready as the noble lord to say, "prohibit sinecures, abolish pluralities, curtail superfluities;" but when it is said, that there exists a necessity for limiting stipends to £200 a-year, I really must ask from what cause does that necessity arise? Is it a necessity created by engagements into which the government has entered? Is it entailed by the obligation imposed upon them of finding a surplus revenue? or is it a necessity produced by a provident view to the wants and interest of the Church? £200 per annum for a minister of the Church? Is that the great inducement to be held out to the ordained servants of that Church? Look to the inducements held out to members of other professions: take, for instance, the poor-law commissioners, the assistant-commissioners, the commissioners for consolidating the criminal laws, with the grants to them of £5,000 and £10,000 per annum. Do I mean to say that this remuneration has been too great for the gentlemen forming these bodies?—Certainly not; but I call upon the House to maintain at least some decent proportion in dealing with members of a profession, of at least equal respectability. If it be desired to degrade the Church—to banish from it men of educated and enlightened minds, able to defend the doctrines they inculcate—if it be wished to expel such men from the service of the Church;—tell them at once, that they must expect nothing but the mere means of daily subsistence, and that they must abandon all thoughts of independence of character—and your object will then be understood; but if it be intended that the minister of religion should be enabled, not only to exist himself, but able, as he ought to be, to relieve the wants of the distressed and wretched—consider not his interests, but the interests of charity and of religion; and allot to him, at least, a decent stipend, and give him some hopes of, at least, moderate advancement. There are many men who now hear me, possessed of ample fortunes, acquired by their own industry—there are others enjoying property, which has been gained for them, and handed down to them by their fathers;—to these I would say, "You know what a stipend of £200 would be to a clergyman with a large family—a man who has to pay £20 on receiving his appointment to a living; do not grudge an increase to him—if you will not grant it for the sake of the individual, at least do so for the sake of religion." Compare his position with that of the member of any other profession—of the bar, the army, or as connected with commerce. Remember, not only to what, by this bill, he is limited, but also that which he is ever precluded from attaining. Let hon. members compare the position of the Irish clergy, with

that of the messengers of this House. In the early part of the session, the hon. and learned member for Kilkenny put a notice on the books, of which I certainly have since heard nothing, that he would move a special instruction to the committee on the fees and salaries of the messengers and door-keepers, to provide for the vested interests of those officers during their lives. Here is an acknowledgment of the necessity of providing, for important offices, men of respectability. God forbid! that I should throw any disparagement upon any situation; but even in these days of apology, I will offer none to these officers, whose interests are thus watched over, for saying that I do not think them superior to the ministers of the established church of Ireland. Neither shall I shock their feelings by saying that all situations are not equal. From the report of the committee, however, it appears that there are three door-keepers, and one of them, Mr. Pratt, returns that he has received, annually, on an average of the seven years 1829 to 1835, the sum of £1,060. The committee, however, are of opinion that his income might be fairly taken at £911, and they recommend that he may be allowed that sum in lieu of all perquisites. The select committee, in 1835, recommended that the salary of the head door-keeper should be £500; but the last committee recommends that in any future appointment to those offices, after Mr. Pratt and Mr. Williams shall retire, the salaries of the door-keepers, be £400 each. The report concludes thus:—"Your committee having consulted Sir William Gossett, the Serjeant-at-arms, respecting his department, agree in opinion with the committee of 1835, that the future establishment should consist of two door-keepers, as already recommended; of one head messenger to be designated "Assistant to the Serjeant-at-arms," with an annual income of £425; of four messengers at £300 each; of two messengers at £200 each; of four extra messengers at £105 each, increasing to £120 after ten years' service, with discretionary power in the Serjeant-at-arms, to employ, on any emergency, according to the recommendation of that committee, an extra door-keeper and such temporary messengers, at weekly wages, as may be wanted during the temporary pressure of business."

Such is the amount of remuneration which the House of Commons thinks just and reasonable for the purpose of securing the services, in places of trust, of respectable men. This scale of remuneration is not, in this instance, thought extravagant. Now what is expected from the Irish clergy? The noble secretary for Ireland last night said, that he hoped ever to see the clergy of that country, now, as well educated, able, enlightened, learned, amiable, and men of refined manners. If they enforce the law, when unhappily they are driven to do so, with what vigilance are they watched! The utmost courtesy is expected from them,—the qualifications of angels are required in them,—the long-suffering and forbearance of martyrs;—and is it, then, too much to ask the House to allot to men, in whom all these qualifications are expected, half the amount of stipend which is considered necessary for the salaries of the door-keepers of the House of Commons? I have already trespassed so long upon the attention of the House, that I should feel inclined to pass by the speech of the hon. and learned member for Tipperary, did not that speech,—eloquent as it unquestionably was—prove that the question now under discussion is not—whether £50,000 shall be allotted out of the revenues of the Church for purposes of education? On the contrary, the question, according to the views of the hon. and learned gentleman, is neither more nor less than this,—Shall the established religion of Ireland be protestant or Roman Catholic? If it be not so, why did the hon. and learned gentleman refer to the example of Scotland? Why did he say that Scotland, having banished episcopacy, has assumed the aspect of a flourishing country? Why did he say, that agriculture is creeping up her mountains,—that commerce has filled her coffers since she has relieved herself of episcopacy,—if he did not anticipate that the same results would follow a similar course on the part of Ireland? The hon. and learned gentleman has called upon the House to settle the question of tithes by passing the bill introduced by his Majesty's government. What guarantee, however, has he afforded that this bill will be a settlement? The arguments by which the hon. and learned member has supported the measure, are fatal to the proposition itself. It would be acting with perfect consistency if, after the passing of this bill, the hon. member for St. Alban's should move to reduce the number of bishops to four, and the hon. and learned member for Tipperary were to say, that the Roman Catholic religion was entitled to be established in Ireland. On these grounds I distrust the assurances

of the hon. and learned gentleman, that this measure will prove a settlement of the question. I always listen to the hon. and learned gentleman with the greatest attention, and I much admire his powers of imagination; but I must say—and I do so with all respect—that I distrust his sagacity as a prophet. The hon. and learned gentleman says, “Settle this question now, and all will be peace in Ireland.” The hon. and learned gentleman, long ago, said—“Settle the Roman Catholic question, and all will be peace in Ireland.” The two measures, it is true, rest on perfectly different grounds—the one was a definite measure, for the restoration of civil equality, and the abolition of every disability affecting the Roman Catholic subjects of the realm—the other, that now before the House, contains nothing definite; and there are, according to the supporters of the plan, many other questions left, of which a satisfactory settlement will, in due time, be demanded. With respect to the definite and “final” measure of Catholic relief, this was the language of the hon. and learned gentleman himself, in 1825. The hon. and learned gentleman was asked:—“Do you think, in case the general question of Catholic Emancipation were settled by parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?”

He answered,—“I am convinced that it would not be in the power of any man, no matter however great his influence might be, to draw large convocations of men together in Ireland; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much passion, and so much inflammatory matter is conveyed through the country.”

Such was the prophecy made by the hon. and learned gentleman well acquainted with the character and feelings of his countrymen; that prophecy has not been fulfilled, and therefore I now distrust the hon. and learned gentleman in his character as a prophet. Let me, however, beg of the House to observe these remarkable words. On the same occasion, to which I have just referred, the hon. and learned gentleman proceeded to say:—“Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purposes of rhetorical excitement, and not with any serious view, on the part of the speaker, to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question, I beg to add this; that I am perfectly convinced that, neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited. At present, individuals feel themselves aggrieved by the law, and it is not so much from public sentiment, as from a sense of individual injustice, that they are marshalled and combined together.”

The hon. and learned gentleman may probably find it difficult to afford a solitary instance of the verification of this prophecy. I can, however, find an instance to the contrary, and that instance is the hon. and learned member for Tipperary himself. This is the more striking, as the hon. and learned gentleman declared to the committee, that at least he could answer for himself, that if he had a fair chance of rising in the profession for which he had endeavoured to qualify himself—if the exasperating impediments to advancement in that profession which grew out of his religious creed were removed, he should give himself no further concern about politics; but should devote himself exclusively to his professional avocations. I hope the hon. and learned gentleman, after this failure, and his prophecy of last night, will endeavour to lay some better claim to the character of a prophet, and will forbear from exerting, in agitation, the great talents he unquestionably possesses. I do not know that there is any other speech to which I need advert, except that of the hon. member for Waterford, who complains that out of a revenue of £760,000, an allotment for the purposes of education, £50,000 is refused. Can the hon. member guarantee that there exists a revenue of £760,000? If he can, *cadit questio*, and I shall be perfectly content. If any one can show that out of tithes, after the deductions contemplated by this bill, there will be a revenue, not of £760,000, but even of £400,000, I will admit Ireland to be in a much better condition than I have supposed. I have now stated the reasons for which I have supported the bill, which has been proposed on this side the House, and opposed that which has been brought forward by his Majesty's government. Why is it that the hon. and learned member for Tipperary, with his strong feelings against an Establishment, is able to consent to the bill of his Majesty's government? How is this mystery to be unravelled, when

the hon. and learned member holds that an Establishment for the minority is fatal to the peace, tranquillity, and happiness of Ireland? With these sentiments, how is it that the hon. and learned gentleman can give his support to the bill? The supporters of the measure submitted from this side of the House, profess a readiness to cure abuses, to reduce superfluities, to abolish pluralities, and destroy sinecures; they do not want to make the Church Establishment a source of political influence, they contend for an equal distribution of its preferments. Do I believe that the hon. and learned member for Tipperary expects to gain anything by the allotment of £50,000 a-year, out of the revenues of the Church? No; I believe that the hon. and learned member gives his consent to this bill, because he, a Roman Catholic, is convinced that, coupled with this allotment, and a reduction of income, there is involved in the measure a principle which, once admitted, will be fatal to the independent character, and the very existence of the Protestant Church. Take away the glebes from the Church, enable the Crown to dispose of them, to re-allot them, and will not that alter the whole character of the Church Establishment? And will it not, instead of being an independent corporation, possessed of its own property, become, and be placed on the footing of, a mere stipendiary Church? Is this desirable? Is it politic? For what object is it that the dignity of rector is to be abolished, and that future incumbents are to be mere vicars, removable at the will of the Privy Council? Is this in accordance with Lord Althorp's views, who thought that even the Church Commissioners should be independent of the government? A portion of the security rests, not merely on its possession of its own lands, but upon its self-government. I repeat, that this bill would alter the Church from an independent corporation to a mere stipendiary Church, and would shake its very existence. I have very carefully looked through the whole of the bill, and, in my opinion, the least prejudicial part of it is, that which takes from its revenues the sum stated. The great evil of the bill is to be found in the provisions which divest the Church of its property, which change its character, and destroy its independence. The noble lord opposite has justly stated, that between the views of two conflicting parties on this question, the good sense of the people of England must be the arbiter. In that I fully concur. It must be left to the people of England to determine whether I, and those with whom I act, are or are not warranted in refusing to be parties to the bill of the noble lord. I do not hesitate to say that I view the condition of the Church of Ireland with the deepest regret and anxiety—that so far from rejoicing in the application of force, or the execution of process for the payment of dues, I declare, before God, my object would be to cause a cessation of all religious discords, to put an end to all religious distinctions, and to obliterate for ever all former animosities. Such, of all others, are the objects I would most cordially cherish; but, at the same time, believing the Church Establishment in Ireland to be perfectly consistent with the political rights of my Roman Catholic fellow-countrymen—believing it to imply no degradation to them—conceiving that Establishment to be essential to the best interests of religion, and conducive to the permanent happiness of the empire—I cannot consent, unless convinced by reasoning, to the introduction of a principle, which, I believe, will be fatal to both. I wish to see an amicable arrangement of the question effected; and it would be a most ungrateful return for the Church of Ireland to make to the people of England, who have shown such a generous sympathy in her behalf, if her members were to manifest a less anxious desire to expedite that settlement. If the people believe that I, and those with whom I am associated, have, in our opposition, any sinister object in view, or any wish to protect abuses for political purposes, they will decide against us, and ultimately overthrow us; but I trust the people of England will not expect from us, that if we are not satisfied by fair argument, that the measure of the government is essential to the interests of religion, but, on the contrary, if we believe it is necessary for the interests of religion, that the Protestant minister should be enabled to support his family in decent competence—then, Sir, I am sure, the people of England will not expect from us, that we should betray our duty to the Church, by pretending to be convinced by arguments, the transparent fallacy of which we have exposed—or by calculations, the glaring inaccuracies of which we have demonstrated. On the contrary, remembering that penal laws, and civil disabilities have ceased—believing that the progress of knowledge will ensure



adherents to the pure doctrines of our Church—relying upon the justice of our case—we shall firmly refuse to cut off from that Church its means of usefulness—to reduce its ministers to a state of stipendiary dependence on a department of the government; and we will not consent to strike a blow fatal to the interests of civil liberty, and of true religion, by destroying the independence of the Establishment, and of degrading the character of its ministers.

The House divided on the original motion: Ayes, 300; Noes, 261; majority, 39.

The bill was read a second time.

## MUNICIPAL CORPORATIONS (IRELAND)—LORDS' AMENDMENTS.

JUNE 10, 1836.

The Order of the Day for resuming the adjourned debate on the question of disagreeing to the Lords' Amendments to the Corporation Bill for Ireland, was read, and a long debate again ensued, towards the close of which, and rising after Mr. Sheil—

SIR ROBERT PEELE said, he felt under a double obligation of making an apology to the House for offering himself to its notice. He felt that the subject had been completely exhausted, and the hon. and learned gentleman must have risen under the same impression; for, although his speech abounded in much lively allusion, much personal comment, and much eloquent declamation, yet not one single approach to argument did the hon. and learned gentleman discover throughout the whole of it. He felt, as he before said, a double obligation to apologize to the House on the present occasion, not only on account of the exhausted state of the House and of the subject, but because the hon. and learned gentleman had read so long an extract of a speech of his, that he was somewhat doubtful whether the strict rules of the House did not incapacitate him from speaking. He, however, thanked the hon. and learned gentleman for this extract from his speech, because as to-morrow he should have the honour (it being the anniversary of the day) of again dining with the respected corporation before whom that speech was delivered, he should have an opportunity of repeating the sentiments he then expressed, and which he still entertained. He did think the government of this country could not be conducted without a good understanding between both Houses of Parliament. He should not call that a safe and efficient system of government in which there was a constant collision between the two Houses. He thought that the affairs of the government could not go on where there was this perpetual conflict. But he did not mean by this to imply that the House of Lords had no other course to take on these occasions than to relinquish its independent right to act, and merely register the decrees of the House of Commons. The hon. and learned gentleman had referred to the doctrine laid down by Mr. Canning with respect to collisions between the two Houses; but he (Sir R. Peel) did not understand by the speech of Mr. Canning, which the hon. gentleman had read, that Mr. Canning meant, whilst he maintained the privileges of this House, that the maintenance of the privileges of this House was inconsistent with the maintenance of the rights and independence of the other branch of the legislature. Mr. Canning was referring to the question of the Corn Laws, which had produced a difference of opinion between the two Houses. Mr. Canning was happily relieved from witnessing the political conflicts which now agitated the country; but on this same question he (Sir R. Peel) would refer to another authority—a living authority—an authority from whom it had been his fate to be separated altogether during the whole of his political career, but for whom he felt the utmost respect, and, in all their political disagreements, not one word of disrespect towards that eminent individual had ever fallen from him: he referred to the language used upon a similar occasion by Earl Grey. Lord Grey did not deny the independent right of the House of Commons; but Lord Grey, at the same time, felt it to be his duty to maintain the equal independence of that branch of the legislature of which he was a member. But he would first refer shortly to the speech of Mr. Canning. The two Houses differed in respect to the corn bill; would the hon. and learned gentleman advise the House of Commons, out of respect to the authority of Mr. Canning, to adopt

the same course of proceedings as in the corn bill? Mr. Canning said, on that occasion, "My first proposition is, to let loose the corn now in bond, by the operation of the principle of the bill itself; and then to let in, under the same restrictions, the corn of Canada, which has been shipped on the faith of the bill. To neither of these parts of the bill was the smallest objection made in the House of Lords; and the amendment which lost the bill was, as far as I understand the matter, one which did not touch them in the least. In proposing them, Sir, for the consideration of the committee, I am, therefore, doing that which will not bring us within the risk of a conflict with the other House, since the principles on which I now wish to act are those which met with no objection, and were in fact adopted from us." He did not say that the House should pursue the same course now; he did not say that this House should abandon its right; but he said, that after the argument used by Mr. Canning, there would be no degradation in adopting the measure of the House of Lords; and on that occasion, Mr. Canning by adopting the course of conciliation ended the conflict, and led to an amicable and conciliatory settlement. What was the language of Lord Grey? Lord Grey said, "I stand here one of a body which will always be ready firmly and honestly to resist such effects, which always considers anxiously and feelingly the interests of the people, even when it must oppose the people themselves, and which will never consent, under the influence of fear, to give way to clamour. If I am told we run the risk of having a worse bill, I shall never suffer myself to be intimidated by any such threat; and if a worse bill should be sent up, I am sure your lordships would pursue the course you have pursued by the present bill. You would consider it, and you would amend it; and if you could not make it good, you would reject it. I am sure that any such measure should be met by me with a firm opposition, and that I should be prepared to do my duty to myself. I have said thus much, and I might say a great deal more. If there should come a contest between this House and a great portion of the people, my post is taken; and with that order to which I belong I will stand or fall. I will maintain, to the last hour of my existence, the privileges and independence of this House." On that occasion, these words, the hon. and learned gentleman would find were spoken by one whose authority he had ever held in great respect. He had omitted to notice the first part of the hon. and learned member's speech; and those who forgot the precept, could not fail to learn, by the effect of example, a warning from the hon. and learned gentleman, unless there was some cogent reason to abstain from personal explanation. The hon. and learned gentleman had found it absolutely necessary to explain a speech he had delivered at Thurles; and the hon. and learned gentleman had been provoked by a look, or something like it, from his right hon. friend, the member for Sligo, into an apparent position of hostility towards the members of the late government—he said apparent, because he who admired the hon. gentleman's talents, and did not expect or desire to entertain other feelings than those of respect for him, whatever might be the difference of their sentiments in regard to measures of government, felt no hostility towards him. But the hon. and learned gentleman had thought it necessary to explain a misapprehension as to a supposed statement of his, of a compact between the Irish members and his Majesty's government; and if the hon. and learned gentleman had simply said that it was a misapprehension, and that he denied the interpretation put upon the expression, it would have been quite sufficient for him, and the hon. and learned gentleman would never have heard of it from him. But the course pursued by the hon. and learned gentleman in his explanation, had a tendency rather to confirm the misapprehension. The hon. and learned gentleman said, "You suppose that I said there was a compact between us and the government; but this is an error, for there has been an important omission in the text of my speech; for where it seems as if I had used only the word 'compact,' the words I really used were, 'a compact and indissoluble junction.'" Now, there certainly might be a junction without a compact; but the hon. and learned gentleman had admitted that there had been an "alliance," and an alliance was not very different from a compact. But the hon. and learned gentlemen went further, and said that there was an alliance "on honourable terms;" and he defied the hon. and learned member, with all his acuteness and ingenuity, to point out any real distinction between a compact and an alliance on honourable terms. The word "compact" did not necessarily imply a "dishonourable compact;" it had not been said that the price paid to the hon. and

learned gentleman and his friends was admission to office. But the hon. and learned gentleman had admitted that there had been an alliance, and on terms which might indeed be for the public good; but it could hardly be said that there was no compact, for it seemed to him that there was no distinction between a compact and an alliance on terms. He was sorry, that in following the explanation of the hon. and learned gentleman, he had been diverted from the subject of the bill; but he would enter into a "compact" with the House, that the moment he departed from the proper course of argument, the slightest notice from the House would induce him either to abstain or to sit down. In fact, the argument on the main question had been completely exhausted in the debate on the question before; and he should have been content to rest the case on the original debate, if it had not been for the speech of the noble lord last night, which had placed the question on new grounds. The noble lord had argued as if the question at issue was whether or not there should be local government in Ireland. The noble lord had quoted the case of Prussia—a case not calculated to excite feelings that would lead to conviction—and the noble lord had proceeded on the assumption that the question at issue was, whether the local governments of the towns of Ireland should be abolished or not. That was not the question at issue, and he would prove that it was not. The noble lord proposed to force twenty-one towns in Ireland to adopt the provisions of the 9th George IV., not that it should be left to their option to adopt them or not, but to compel them to adopt those provisions. Did the noble lord mean to deny the right of these towns to adopt a local government or not? Surely, it was more consonant to the principles of self-government to allow these places to determine whether or not they would adopt the provisions, than to force them to do so. But the noble lord said, "I will enforce them on all towns in Ireland." How did the opposition propose to leave the law? Why every town in Ireland would have a right, if he thought fit, to adopt the very act which the noble lord would enforce. In what cases was the act to be enforced? On the application of twenty-one inhabitants rated at £20 a-year. In any populous city, however averse to a local government, according to the noble lord's plan, the act was to be enforced on the application of twenty-one inhabitants, rated at £20 a year. This was to be applied to every town in Ireland not governed by local acts. The legislature had passed an act for England; but had it enforced the act? No, it left the application of the 9th Geo. IV. optional. The noble lord intended to enforce it; he had not introduced any judicious scale of taxation; but he had left the enforcement of the act to the application of twenty-one inhabitants rated at £21 a-year. The noble lord proposed that there should be municipal government in Ireland, whether desired or not. He thought that sufficient provision was made for local government, when it was left optional with the inhabitants to have it or reject it. Another fallacy in the speech of the noble lord was, that he assumed that municipal institutions were absolutely necessary for good government: that fallacy pervaded the whole of his speech. The example of Prussia could have no effect here. Was this an essential part of good government, or not? In his opinion it was not, and the principle of the noble lord's bill might turn out to be a violation of the rights of the people. Where corporations had existed before, there custom made them popular. If the noble lord thought that municipal institutions were essential conditions of good government, why were not corporations enforced throughout this country? Why was Manchester, Birmingham, and the districts in this great metropolis to which representatives had been granted, comprehending a population of 1,120,000, without corporations? The large districts on the other side of the water, which were rapidly advancing in manufacturing industry, Southwark, and Lambeth, and even the city in which they were now assembled, as well as the boroughs to which the boon of representatives had lately been given—Finsbury, and the Tower Hamlets, and Marylebone, were without corporations—and could the House see municipal institutions enforced in Ireland, and not in the large districts belonging to the metropolis, if these institutions were requisites to good government? If corporations were thought essential to good government, why were not the provisions of the bill to be applied in every instance? But the cases of Dublin and Liverpool were compared, and it was said, that looking to the rapid communication between them, it was disgraceful that one should have a corporation and not the other; that a merchant of Dublin would feel himself disgraced on a visit to Liver-

pool. But if corporations were so essential to good government, what must be the feelings of a merchant of Manchester going to Liverpool? Manchester was as near Liverpool by the railroads as Dublin by sea; and did the hon. and learned member think that a rich merchant of Manchester, proceeding to Liverpool, would meditate as he was conveyed in the rapid machine, that he was soon to come into a place where he would see by contrast his unhappy lot, and that he would return to Manchester insulted and degraded, and be compelled to hide his head under the mortifying impression that he was not an inhabitant of Liverpool? Did the hon. and learned member believe that a single individual would transfer his residence from Manchester to Liverpool for the express purpose of enjoying the luxury of a corporation? The real question came to this, Would the denial of corporate institutions interfere with the good local government of towns in Ireland, or with the prosperity of the country? He did not disregard the preference which arose from feelings and habits, rather than from the prospect of advantage; but were they proposed for the purpose of local government? The next question he should look at was, whether these institutions were to be formed, not for good local government, but for political purposes, and to be made subservient to illegitimate ends. Unless it could be shown that the reconstruction of corporate institutions in Ireland was compatible with the proper government of towns, with the due administration of justice, with the interests, not partial but equal, of Protestants and Catholics, he should overlook all the arguments derived from analogy of institutions. In the case of Dublin, the administration of justice was refused, no magistracy was given, and the noble lord refused to grant the control of the police to the most popular and most important city of Ireland. "You take from the municipal corporations (continued the right hon. baronet) the appointment of sheriffs, and vest it in the Lord-lieutenant; but then, of course, you give to it the direction and management of the watching, paving, and lighting of the city? Not at all. Well, but you invest it with the powers of widening and improving the streets of the city? By no means. But at least you give to it a control and superintendence over the port of Dublin, in which the municipal body of that city must be so much interested? Nothing of the kind. In constituting this municipal body, then, you withhold from them everything which in a municipal institution can be considered of importance. You do not allow them to interfere in the appointment of sheriffs, you give them no control over the police, you take from this all-important body, this body so essential in your opinion to good government, the appointment of even a single watchman; you invest in other authorities the charge of lighting, paving, and watching; you commit to the care of others the widening and improving of streets, the superintendence of the port. Now, allow me to ask, when you have taken all those powers away, for what purpose is it that you continue it as a municipal body? I ask you, when you have removed those powers and authorities which ordinarily belong to the municipal corporations, for what purpose do you leave it? I tell you, that if you leave it only for political purposes, it is you and not we who are the enemies of Ireland." Much had been said of the appointment of commissioners, who were to take charge of corporate property and those for charitable trusts heretofore administered by corporations. He would not enter further upon that point, which did not involve any principle of the bill, further than to remark, that if a corporation were to be abolished, it was almost impossible to avoid the appointment of commissioners for a limited time. He would have preferred that the time should have been limited, and that was the intention when the bill was before in that House, that the commissioners should continue for a time, or until parliament should determine otherwise; but it was, he repeated, unavoidable that some commissioners should be appointed to take charge of corporate property where corporations were abolished—for there were many towns which had no local act. He would not enter into the question of the appointment of weigh-masters and butter-tasters, for those were points on which there could be very little difference between him and the noble lord. When he heard the language used by the hon. member for the county of Meath, he hardly thought that the bill deserved the epithets which that hon. gentleman had applied to it; nor could he have thought that the corporate property in Ireland was so great as that hon. gentleman had set it down. When he heard the hon. member for Meath, he was strongly reminded of that familiar quotation from the

Latin grammar, which the hon. member for North Derbyshire (Mr. Gisborne) had used for another purpose.

*Ingenuus didicisse fideliter artes,  
Emollit mores, nec sinit esse feros.*

Without stopping to inquire into the amount of corporate property in Ireland, he would come to a much more important point—namely, whether it was for the advantage of Ireland, that after the abolition of the old corporations, new ones should be established in their stead. It was said, that the objects were the dissolution of the old corporations, the mitigation of the present evils, and the reconstruction of new corporations in place of the old. He would admit that the existing corporations were very different from those of former years, and that they had ceased to produce those good effects which it was originally intended they should produce; but the noble lord (Lord John Russell) seemed to consider that those who voted for the abolition of the old corporations were also to vote for the reconstruction of new ones. “The noble lord, adverting to some observations of mine (continued the right hon. baronet), addressed to the company at the Goldsmiths’ Hall, said, that I was right in complimenting them on having built their new hall on the old foundation; but the noble lord added, what would have been thought of you had you told them, they were wrong in building on that foundation—and still more, what would have been thought of you, if you told them they were wrong in building a new hall? But the question in that case would be, Is the new hall as good for useful purposes as the old? If the old corporations of Ireland, like the old Goldsmiths’ hall, had served to promote social harmony and good fellowship—if they had tended to promote good and kind feeling between man and man, then, indeed, I should have been justified in advising the noble lord to build on an old foundation; but if I find that those corporations have not tended to promote social feeling—if I find that they have not tended to bring man to a good and harmonious understanding with his fellow-man if I find that they had ceased to promote the good objects for which they were instituted, then I should be exceedingly inconsistent if I praised the noble lord as I did the Goldsmiths, for rebuilding on the old foundation.” The old corporations were at one time of great use to the country, but of late they had become institutions for the purpose of keeping up exclusive interests and privileges: but then if, in looking at the state of society in Ireland, in considering the probable, nay, the almost certain effects of the reconstruction of the corporation, they should find that the new would be equally intolerant and equally exclusive as the old, would the legislature be justified in reconstructing them out of the scattered materials of the former? He had no doubt that if this question were viewed distinct from the prejudices with which it was connected, as one affecting national feelings and national honour, the opinion would be general that the removal of the old corporations, and the refusal to construct new ones on their foundation, would be pregnant with immense benefits to Ireland. He was sure that by refusing to reconstruct the corporations we should have much better guarantees for the promotion of domestic peace and harmony in Ireland, for the investment of capital, and the promotion of industry than we now possessed. When the proposition was first made in that House, he was sure that it received the not open, but quiet and tacit, sanction of many cool, calm, and considerate persons in and out of that House. He held in his hand a letter addressed to Lord Mulgrave, signed by one who called himself “A dissatisfied country gentleman.” He had no knowledge of the writer, but whoever he was, he was no friend (politically speaking) of his. That writer took extreme views of political measures, but in his letter he said that there were four measures required for the improvement and the pacification of Ireland, and that we were now in progress to them. The measures which he recommended were—1st., the complete and unqualified extinction of tithes; the 2nd., was the reduction and remodification of the Church Establishment; the 3rd., was the annihilation of the Orange Lodges. Now, what did the House think was the 4th recommended by this writer, who was certainly a man of acuteness and ability. The 4th was the total dissolution of all municipal corporations. It might be said, perhaps, that the abolition of the corporations did not necessarily imply that they should not be reconstructed; but what was the argument of this writer—an argument penned in a cooler moment than could be expected in the excitement of such a debate

as the present? He said, look at the two great corporate towns of Dublin and Cork. The former, in every point which could constitute a great town, had retrograded nearly a century, while other parts of the country, which had no corporate bodies, had advanced and improved to a great extent. What was Cork?—a city possessing local advantages belonging to few cities in the kingdom, with a splendid harbour, in the midst of a fertile country, enjoying a fine climate, the metropolis of the largest county in the empire, and yet a very large proportion of its inhabitants were sunk in the lowest state of poverty; their morality was in a low state, and in the excitement of election times they were most violent and riotous. He would not say, to use the noble lord's quotation, "*Sic fortis Etruria crevit.*" The writer next noticed Belfast, a town worthy of England in arts and industry, nominally the third, but in reality the first in commercial importance in Ireland; yet fifty years ago Belfast was an insignificant town. What was the cause assigned by the writer for the increase of the one town and the decrease of the others? He said, that perhaps Mr. Mortimer O'Sullivan and others who took his view, might attribute it to the fact that Belfast was a Protestant town, but the writer attributed it to the fact that Dublin and Cork had the most numerous, and, until lately, the most wealthy corporations in Ireland, while in Belfast they had what scarcely deserved the name of a corporation, and which did not exceed twenty members. These, then, were the reasons assigned by a clear and intelligent writer for wishing to put an end to all corporations for the benefit of the country generally. He would now quote another authority on the same subject—that of a noble lord with whom he had had the honour of an acquaintance. That noble lord had not only written a letter, but also drawn up a bill on the subject. One great object with the noble lord contemplated as necessary for Ireland was the abolition of fiscal powers by grand juries and corporations. He proposed a general tax, which should be administered by commissioners appointed by the Crown, aided by local commissioners elected by rate-payers, and he pointed out the mode of election. One clause of the bill drawn by the noble lord, provided that the Crown commissioners, aided by some of the local commissioners, should have the power to inspect corporate charters, in order to ascertain if any property possessed by them had been intended to promote public works, and if any such were discovered, the amount should be handed over to the chief commissioner, to be applied as originally intended. This was the opinion of an individual well acquainted with the wants of Ireland, and who had made the remedy of many of the evils affecting it a subject of mature consideration. He was of opinion, that chief commissioners, whose office should be in Dublin, aided by local commissioners elected by the people, should take on themselves all the fiscal powers at present intrusted to corporations and grand juries, and he thought those who proposed the establishment of institutions with similar objects could not be fairly accused of intending to insult Ireland or to place it below the level of England and Scotland as to municipal rights. He would put it to hon. members opposite, whether the reconstruction of those corporations would conduce to that civil equality of all parties which some hon. members asserted—for unless it was shown that it would have that effect, there was no ground whatever for the proposition. In considering this question he could not overlook the analogy between the circumstances of England and Ireland; for, if any such existed, it ought to be clearly made out. Now, to him it did not appear that that had at all been made out. So far from analogy, there was a vast difference between the circumstances of the two countries. It was true that within the last few years a great moral and social revolution had taken place in Ireland. Within six years we had removed those great barriers which had separated two classes. That removal had been acquiesced in by the Protestants. Those Protestants had not even petitioned against the plan for giving up the privileges which they had so long enjoyed, and was the House to overlook those who had thus acted? The House should not forget what the late corporations were. Did any member believe that the new corporations, backed as they would be by the physical strength of the country, would be more careful of the rights and privileges of others than their predecessors had been? Did any one believe that they would be willing to share their newly-acquired power with those to whom they were opposed? Then, if such powers were to be granted to parties so supported, did any man believe that their exercise, as they would be exercised, would be otherwise than injurious to the country? Hon. members were greatly offended and indignant at the proposition that the property of corpora-

tions should be placed in the hands of commissioners. But how did they themselves propose to deal with a corporate body of another description—with the Church? The church had a prescriptive right to property long anterior to the existence of most of those corporations. The security of that property had been guaranteed in the fullest manner by one of the articles of Union between the two kingdoms. By that article the Churches of England and Ireland were to be called the United Church of England and Ireland. Now let hon. members look at the 70th clause of the tithe bill, and see how far that guarantee of the church property had been respected by those who were now so loud in their exclamations against the investment of any corporate property in the hands of commissioners. By that clause it was enacted, that when a living became void, the glebe, glebe-house, and offices, were to become invested in the hands of commissioners appointed by the Crown. And this is (said the right hon. baronet) from you, who deprecate interference with corporate property—you, who profess anxiety to keep sacred from the slightest violation—you, who cannot reconcile it to your views of justice to transfer property from a corporation to the management of a commission appointed by the Crown, felt no compunctions visitings when you enacted, that on the voidance of every living, the glebe-house, offices, and glebe, should be transferred from the Church and vested in the Crown. What is it that you have done? You say to us, that those suspicions and surmises on our part are unreasonable, that we ought not to object to the exercise of power, that we have no reason for objecting to it but antipathy to the Roman Catholic Church—that, in point of fact, religious bigotry is at the bottom of our opposition, that we hate you as Roman Catholics, that we are unwilling to cement the union—a union of heart and affection—with you, and refuse to you corporate institutions, for the purpose of obstructing your prosperity and insulting your feelings. But what have been your own words? Have they not been the justification of the distrust you have experienced? Have you not told us that those institutions have been in England, and will be in Ireland, the schools of political agitation? May we not object to convert institutions that were intended for the purposes of local government into the arena of civil discord? You tell us that your object is, unless justice be done—a repeal of the Union—you tell us that you will never be satisfied without making the House of Lords responsible. You tell us that the arrangement made with respect to tithe is wholly unsatisfactory. You use arguments implying a present acquiescence in it, by a determination to take the first legitimate opportunity of defeating it. Why can you be surprised, then, if we are unwilling to consent to the institution of those societies, after the warning you have given us, that they will not be applied for the purposes of local government, but will be consecrated to those of political agitation—to objects which appear to us destructive of the constitution under which we have lived, and think we have flourished, and fatal to the integrity of that empire, the bonds of which we wish to see indissolubly compact? We think that, in the present circumstances of Ireland, practical civil equality is the right of the citizens of that country; we say that that practical civil equality does not depend upon the formal and nominal adoption of similar institutions existing in England and Scotland, and that, if the adoption of these similar institutions will destroy that equality, we have a perfect right to object to them, on grounds stronger than the argument from analogy of institutions. We believe that Ireland wants repose; we think that these institutions will increase her agitation. We do not deny that there may be agitation independent of these institutions. You prophesied to us that there should be agitation; and, I am sorry to say, that the truth of that prophecy we have too good reason to acknowledge. But we are averse to making ourselves participators in it; we are unwilling to lend the sanction and encouragement of the law to the objects which you propose to yourselves. We believe that the institutions of these corporate bodies, if perverted to purposes like this, will, in point of fact, reconstitute in another shape that political ascendancy which we, on our part, are perfectly willing to abandon. Our wish is, with respect to the government of Ireland, to see perfect freedom from civil disability, perfect equality of civil privileges; but we do not deny that our object is to maintain in that country that established religion which we know to have been guaranteed at the time of the union, and which we believe to be essential to the best interests of Ireland and the Irish nation. We do not, at least I, speaking for myself, do not dissent from this measure from any national prejudice; I do not dissent from

it from any hostility which I entertain towards Ireland; but I do dissent from it—and I do intend to exercise the privilege of free judgment regarding it—I dissent from it on the ground that, instead of promoting civil equality, it will constitute political ascendancy, instead of giving repose it will insure agitation. Instead of really destroying the monopoly of power and exclusive privileges, it will, under present circumstances, and in the present condition of Ireland, merely operate as a transfer of that monopoly and those privileges from a body which is perfectly willing to resign them, but which protests against their being transferred to others.

The House divided on the question, that it do disagree with the Lords' amendments, when the numbers were: Ayes, 324; Noes, 238; majority, 86.

## COMMUTATION OF TITHES (ENGLAND).

JUNE 24, 1836.

Lord John Russell moved the Order of the Day for the further consideration of the Report on the Commutation of Tithes Bill.

On clause 38, which provides for the case of charge of culture of hop grounds and market gardens, being proposed—

Mr. Hume moved, that all that part of the clause after the word "land," line 40, should be left out.

SIR ROBERT PEEL observed, that if, when they came to discuss the proposition of the hon. member, he had not more cogent arguments to adduce than those which he had now employed, a more futile motion could never have been made; and, as he had put forward these arguments in advance, he presumed that they were the most efficient which he had at his command. But he would inquire, if this exception applied to hop-grounds, why should it not apply to market-gardens? And where was the injustice if hop-grounds and market-gardens were put on the same footing? The hon. member seemed to assume that all market gardeners were small freeholders, each cultivating their acre of land, and that their interests were to be neglected because they were humble people. But he apprehended that, although the market-gardeners cultivated a small portion of land, the owner of that land might be a very rich man, possessing a great quantity of this kind of ground, let out to tenants-at-will, and whatever advantage would be derived if the hon. member's proposition were agreed to, it would not benefit the tenant-at-will, but the great proprietor; for they might depend upon it, that when the land was out of lease he would have the advantage. The object of the bill was to get rid of an uncertain charge on the application of capital to land, and that if a large amount of capital were expended in the improvement of land, it should not be subjected to the payment of the value of one-tenth of the produce, but of a definite sum. The bill divided the charges made upon the land in lieu of tithes, into two classes, an ordinary and extraordinary charge, but the extraordinary was equally definite with the ordinary charge. It would not be an uncertain sum, varying with the amount of produce, but ascertained and fixed. One would indeed exceed the other, but each would be equally definite.

The amendment was negatived, and the clause agreed to. On clause 53 being read—

Sir R. Peel remarked, that the alleged grievance in Ireland was, that parties were called on to maintain a church from which they derived no benefit. Now, let the House consider what might be the operation of the present clause fifty or a hundred years hence. He saw nothing in the clause to prevent tithe due on land in one parish from being apportioned on tithe situate within a different parish. Now, if a dissenter should become possessed of the land thus subject to tithe, he would certainly have a greater grievance to complain of than that which it was alleged the Catholics of Ireland laboured under; for he would have to pay not only for the support of a church from which he derived no benefit, but he would also be compelled to contribute to the support of the incumbent of a different parish from that in which his property was situate.

This clause was agreed to. The bill to be read a third time.



JUNE 27, 1835.

On the Order of the Day for the third reading of this bill having been read—

SIR ROBERT PEEL was anxious to say a few words on the general question as to whether this bill should be read a third time or not. In the anterior part of the session he had introduced a bill, the provisions of which were identical with the bill he had introduced last year, when he had the honour of being a minister of the Crown. The object of that bill was to facilitate the voluntary commutation of tithes. He stated that the principle of a compulsory commutation might be made the subject of a future bill, when the experience of voluntary commutation would have suggested the most equitable principles on which compulsory commutation might be applied. He still preferred the bill he had himself introduced, to the bill of the noble lord. He felt great difficulty in determining, without the experience of voluntary commutation, and without the advantage of minute local inquiry—he felt great difficulty in determining the principle upon which compulsory commutation should be forced upon the country, consistent with justice, and to the satisfaction of all parties. The question, however, which he had to ask himself was, whether, now that there was a prospect of their coming to an arrangement on this great and complicated question, he would incur the responsibility of attempting to defeat this bill? The bill proceeded upon the principles of his (Sir R. Peel's) bill, as far as voluntary commutation was concerned. It proposed to effect it for a limited period, through the intervention of commissioners. His own bill proposed that two of these commissioners should be appointed by the Crown, and the other by the highest representative of the interests of the Church, the Archbishop of Canterbury, and on this point the noble lord had adopted his suggestion. This bill gave till October, 1837, for the purpose of voluntary commutation. This bill did away with £75 and £65 as a *maximum* and a *minimum*, and proposed instead the amount of tithe taken in kind for the seven years preceeding 1835, and that the sum paid should rule the future payments. That arrangement was still open to this objection—that where there had been great forbearance on the part of the tithe-owner, he would permanently suffer, and where there had been greater rigour, and extreme rights had been exacted, there he would gain, and the permanent rent-charge would be governed on that principle. There was, to be sure, a power of relaxation to the amount of twenty per cent., and to that extent the parties would have an opportunity of mitigating the severity of the bill. He found that the bill had arrived at this stage without any division being taken against it. He hoped, sitting there in an assembly of landlords, that he need not conceal that his object was to protect the interests of the Church. He considered the Church the weaker party; he considered that the great majority of the House were interested in this question, and therefore he felt specially bound to take care that the interests of the Church were attended to. He did not find that there was on the part of the Church any decided objection to the principles of this bill. None of those hon. gentlemen who more particularly watched over the interests of the Church, materially dissented from the principles of the bill. Amongst the tithe-owners and the tithe-payers, there was an impression, and he believed a similar impression prevailed amongst the public generally, that this question should be settled on a satisfactory principle. There was a general concurrence of all parties in the House in favour of the settlement of this question, and it appeared that they were now approaching to an agreement on amicable principles. Under these circumstances, considering the little difference there was between this bill and his, the question for him to consider was, whether he should press upon the House the adoption of his measure, to which he doubted that the assent of the House would be given, or whether he should give up his opposition to this bill. He thought he was consulting the interests of the Church in acceding to the third reading of this bill, as it appeared to him to be the general wish of the House to come to a settlement on this long-agitated question, and he felt that the longer they suffered this agitation to continue, the longer interval of time that was suffered to elapse before it was settled, the greater would be the difficulties of the ultimate settlement, and it might not be so perfectly settled to the advantage of the Church. Retaining, therefore, his preference for his own measure, thinking that a voluntary commutation would suggest the means of a more just application of the compulsory principle—still, not finding

on the part of those more immediately interested any very strong expression of dissent, he was unwilling to interrupt the progress of the House towards the present experiment.

Bill read a third time.

## REGISTRATION OF BIRTHS.

JUNE 28, 1836.

On the motion of Lord John Russell, this bill was read a third time. On the question that the bill do pass—Mr. Goulburn moved as an amendment, “That in clause 19, page 7, after the word ‘child’ the words ‘except the name of the child’ be inserted.”

SIR ROBERT PEEL said, it was gratifying to observe, that this discussion had been carried on in a tone and temper worthy of the House, and suitable to the gravity and importance of the subject under consideration. It had been admitted on the opposite side, that it would be a great evil, by any legislative enactment, to relax the sense of the importance which at present attached to the performance of the baptismal rite. The question then was, whether such was likely to be the result of this bill. He did not think that the object of those who framed the bill was to bring the baptismal rite into disrepute or abeyance. His complaint was, that they undervalued and overlooked the probable practical working of the measure. By law and usage the name of the child had been associated with the baptismal ceremony. This was and had been the universal practice of the Church of England. It had also, he believed, been the practice of the Roman Catholic Church; and if he were not mistaken, the majority of the Dissenters looked upon baptism as essential in naming their children. What was proposed by the bill? By a legislative enactment, to sanction the naming of a child without the baptismal ceremony. Could that be looked upon by the unthinking and uneducated in any other light than as a disregard of that ceremony? An act of parliament separated the naming of the child from the baptismal rite, and made the registration as valid as the ceremony. This might not be productive of any evil consequences amongst the upper and more respectable classes, who would most probably resort both to the registration and the baptism; but what would be its effect upon the great mass of the population? Would it not be an inducement to them to rest content with having the name entered upon the civil record? Many plausible arguments had been used in support of the measure, and amongst others this, that where there was a true sense of religious feeling, the ceremony would be resorted to. Now it was of the utmost importance, that where this religious sense did not exist, the House should, as much as possible, indicate its necessity. It was impossible to say how the feeling in favour of the religious observance could be best created; but surely the omission of the ceremony, as proposed by this bill, was not the way to promote it. It had been urged, that if registration were not enforced in the manner pointed out by the bill, the trouble of effecting the registration would render it difficult to obtain a perfect record; but would not the same argument hold good the other way? If the avoidance of trouble would prevent registration, would it not also prevent baptism? By this bill was encouraged the omission of the rite. Not by a direct obligation, but by sanctioning the omission of that which the great mass of the people at present considered of great importance. By passing a law in contradiction to that feeling, they were led to suppose that the legislature disparaged the ceremony. Why violate, in that manner, the consciences of a great mass of the people? Suppose there were a large body of Dissenters placed by this bill in the position which those of the Church of England hold now. Suppose they said, “We do not want any change. We wish to retain the ceremonial. Legislate as you please for yourselves, but leave us as you find us.” Should not they say, in answer to this just demand, “Seeing the importance which you attach to this ceremony, we will not do any act which would have a tendency to desecrate it in your opinions, or to violate that which you hold sacred.” He objected, then, to this part of the bill, because it violated the conscientious opinions of the members of the Established Church, and he never could consent to the omission of a rite

which that Church considered so solemn and necessary. He would merely state further, that he gave his cordial support to the amendment of his right hon. friend.

The House divided on the amendment—Ayes, 73; Noes, 97—majority, 24.

## MARRIAGES.

JUNE 28, 1836.

This bill, on the motion of Lord John Russell, was read a third time, when Mr. Goulburn moved the addition of a clause, whereby it was required, that in all cases where marriages were solemnized not in a church or chapel according to the rites of the Church of England, the parties should make the following declaration:—"I do solemnly declare that I have conscientious scruples against the solemnization of marriage according to the rites and ceremonies of the Church of England."

SIR ROBERT PEEL thought it quite unnecessary, however natural it might be, for the noble lord to disclaim having had any communication with him on the subject of this clause; still, however, he was desirous of adding his positive declaration to the assurance of the noble lord, that all which had passed between them had transpired publicly in that House. Having made his proposition, to which at the time no human being made any opposition, the noble lord, from a perfect conviction of its justice, had voluntarily, and without any communication with him, adopted and introduced it as a clause in the bill. He repeated, the noble lord had given no intimation whatever of his intention to introduce that clause, and therefore it had been forced on him by no hostile display on the part of those on that (the Opposition) side of the House. He merely stated, that it would be a great satisfaction to the religious community to come to an arrangement upon this subject, without making any distinction between the members of the Establishment and the great body of the Dissenters; and the arrangement which he wished to see effected with respect to marriage was this—There being no objection whatever on the part of the members of the Church of England to be married according to its ceremonies, he was anxious to leave the members of the Establishment *bonâ fide* exactly as they now stood, he would not interfere with them at all; no human being, a member of the Church of England, having expressed any objection to its rites; he did think it unjust, in giving relief to the Dissenters, unnecessarily to interfere with what gave universal satisfaction to a church. At the same time, he had no hesitation in saying, although the avowal might possibly subject him to the disapprobation of some, that the arrangement he also wished simultaneously to be made, was one which would give entire relief and satisfaction to the feelings of the Dissenters. He wished to see Dissenters placed on the same footing as the members of the Church of England; he wished to see their religious ceremonies held, in point of law and practice, as of equal obligation with those of the members of the church. He believed this bill would effect that object. Indeed, it appeared to him, that this bill possessed an advantage over that which he had introduced, because, requiring as it did, that in almost all cases the ceremony should be performed in places of worship, it certainly appeared to give an additional sanction to the contract of marriage. The words proposed by his right hon. friend were intended with the view, not of wounding the feelings of the Dissenter, and requiring from him any religious test which could be considered as a mark of the slightest inferiority, but to guard against the possibility, in giving relief to the Dissenter, of interfering with the practice of the Church of England, which gave entire satisfaction to its members. As the bill now stood, the Attorney-general had stated, that it was not the intention to interfere with the rights of the Church of England, and the object of his right hon. friend's proviso was merely to guard against the embarrassment which might possibly arise in certain cases, the members of the church remaining precisely as they now stood, bound to conform to rites with respect to which they had expressed no dissatisfaction; that the religious ceremony of the Dissenter should be equally respected, and all should join in discouraging, or at least in not encouraging exemption from the religious ceremony. He saw no connection whatever between the amendment of his right hon. friend and the proviso contained in the

18th clause, with respect to which the noble lord had announced his intention to strike it out of the bill altogether, rather than agree, in consistency with the proviso the noble lord had introduced into the bill, to the amendment of his right hon. friend. Now, he did not think there was any occasion for anticipating the dilemma contemplated by the noble lord. If his right hon. friend's proposition were negatived, the noble lord would have an opportunity of fighting manfully in defence of his own proposition, and he hoped the noble lord would not on that occasion be shamefully deserted by those who sat behind him. But he hoped the disagreeable alternative would not be presented to them, and he ventured to prophesy, that the noble lord would be enabled successfully to resist his right hon. friend's suggestion, and then to rally round him a powerful body in defence of his own proposition. That was his prophecy; but the noble lord, before committing himself, might at least have waited until the painful dilemma had occurred. In fact, there was no necessary connection between the two propositions, and there were many persons who might dissent from his right hon. friend, and still cordially approve of the proposition of the noble lord. What, he asked, was the proposition of the noble lord? It stood thus:—We invite you to perform the religious ceremony—we tell you, members of the Church of England, that it is open to you to be married according to the rights of the church; and with respect to you, Dissenters, we will register your places of worship, and respect your religious ceremony. But there may be a limited class, whose conscientious scruples are so excessively fastidious, that no church, no chapel, no dissenting meeting-houses, no registered place of public worship will please them; and we say to you, you also shall have an opportunity of being married; our wish is to encourage the religious ceremony, but not to enforce it; and therefore all we ask of you is, to say, that you dissent from the Church of England. Any thing more reasonable, by way of respect for other men's religious opinions, he could not very well conceive. Could any man deny, taking an enlarged view of society in general—could any man deny, that it was for the benefit of the public at large that the marriage contract should be enforced by the religious ceremony, and that the policy of the legislature should be to encourage it? He, for one, was prepared to give his assent to the proposition of his right hon. friend; but, at the same time, he did not think that those who objected to it were involved in the slightest contradiction if they still declared their wish to afford some encouragement on the part of the legislature to the religious contract. This was a matter in which the Church of England had no separate interest. If, therefore, the clause proposed by his right hon. friend should be rejected, he still hoped, without any reference to party considerations, there would be a prevailing feeling in favour of the very mitigated and qualified enactment of the religious contract afforded by the noble lord's proviso, superadded to the civil one, so that the noble lord would be enabled to maintain the clause he had adopted without compulsion on his own deliberate opinion, because the suggestion of his political opponent was founded in truth and justice.

The House divided on the motion: Ayes, 68; Noes, 132; majority, 64.

On the question that the bill do pass—some remarks passed between Sir Andrew Agnew and Mr. Baines, as to the consistency of the latter gentleman's vote on this occasion, as compared with his speech when the right hon. baronet (Sir R. Peel) introduced his bill to the House.

Sir Robert Peel: It was just the kind of bill that was at total variance with the course pursued by the hon. gentleman last year. The objection of the hon. gentleman to the bill which he then introduced was, that it did not impose on Dissenters the necessity of a religious ceremony. ["No, no," from Mr. Baines.] He would read to the House the hon. gentleman's speech made upon that occasion.—"Mr. Baines wished to unite his tribute of acknowledgment to the right hon. baronet at the head of his Majesty's government, for the friendly spirit towards the Protestant Dissenters in which this measure was conceived, and for the clear and satisfactory manner in which he had conveyed his sentiments to the House. He did not think that there would be felt amongst the Protestant Dissenters any objection to the bill, as far as related to constituting marriage a civil contract, or to the registration of their marriages through the medium of the magistrates; but there might be objections to some of the details; though those he hoped might, without much difficulty,

be removed. He was afraid that there might be a jealousy created throughout the community, by requiring that the marriages of some should be celebrated by a religious ratification, whereas with others, that it should be only a civil contract. To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body to whom the parties were attached." Did he propose that? He did not go that length. All he asked was, if the party should object to the religious rite, they should precede their entering on the contract by stating that they did so object. That was all. The hon. gentleman thought they ought to have had by law a religious contract superadded to the ceremony. His words were—"To give the greater solemnity to marriage in all cases, he thought that some religious service ought to be ingrafted upon the civil contract, and that the service should be performed by the minister of the religious body to whom parties were attached." By his bill, he left the parties at full liberty to take that course. It was left altogether voluntary. He must say, as the bill now stood, it did a positive injustice to the members of the Church of England. He was desirous throughout to give full satisfaction, and afford not only a full remedy for every grievance; but believing that no remedy would be effectual unless it consulted the fastidious feelings of Dissenters, he was desirous of seeing them fully respected. But the bill had now assumed quite a different aspect, and while it provided for the relief of the Dissenter, passed a gratuitous and most intolerable insult on the feelings and principles of the members of the Church of England. The noble lord had, out of his own good feeling, introduced this clause, under the impression that it would be more comfortable to the feelings of the religious part of the community, both of the Church of England and the Dissenters; he had now, at the instigation of those behind him, abandoned it. He was satisfied that the course which the noble lord had pursued was without precedent on the part of one who attempted to be the leader of that House.

The House divided on the original question: Ayes, 104; Noes, 54; majority, 50.

## MUNICIPAL CORPORATIONS (IRELAND).

JUNE 30, 1836.

Lord John Russell moved that the minutes of a conference, held with the other House, relative to the amendments of the Lords to the Municipal Corporations (Ireland) Bill, be read, which, having been done, the noble lord moved, "That these amendments be taken into consideration that day three months."

Mr. Hume expressed his belief that measures should be taken to force the Lords to concur with that House in its views of the necessity of giving reform to Ireland.

SIR ROBERT PEEL—I did not rise immediately after the noble lord opposite concluded his speech, because I perceived, from the manner of the hon. member for Middlesex, that he was desirous of addressing the House, and I wish to ascertain to what extent the noble lord had been a fair representative and expounder of his opinion. I must say, I did not expect on this day, that we should have been called on to take into consideration the amendments of the House of Lords; still less did I expect that we should be called on without notice, and on the instant, to vote for the rejection of those amendments. I should have thought it would have been more consistent with usage, and the importance of the subject, that a motion should have been made for printing the amendments; and that, on a subsequent day, a sufficient interval being permitted to weigh the nature of them, we should be called on to pronounce our opinion. Nevertheless, although I feel it necessary to express my dissent from the proposition of the noble lord—although I disapprove of postponing for three months the consideration of this question—yet, as it has been understood that no division would take place, I will not call upon the House to divide, lest an erroneous conclusion should be drawn from the numbers which would appear on either side. My conviction, however, of the propriety of delay in this matter, is confirmed from what has fallen from the noble lord. In the first place, the noble lord himself attaches great importance to some of the declarations contained in the

reasons of the House of Lords, and he has said, there were some expressions of the House of Lords which made him hope for an amicable settlement of this question at a future period. If that be the noble lord's view, it would be only decorous to afford us every opportunity for considering the reasons of the House of Lords, and we ought not at once, hastily, and perhaps after not a very intelligible reading of those reasons, to be called upon for an immediate, a final determination. Another reason for delay—one that, in my opinion, makes it most desirous, is, that I think the noble lord has placed a most erroneous interpretation upon a passage in the reasons of the House of Lords to which the noble lord had referred. The noble lord stated, that one of their lordships' objections was, that it was proposed by the bill, that corporations should be confined to twelve towns in Ireland; and he excited considerable laughter among his supporters by observing, that the House of Lords were anxious to establish more corporations than the House of Commons had considered necessary. I think the noble lord's interpretation of the passage referred to is erroneous; and if it be erroneous, that is an additional reason for taking the precaution of printing the reasons, before refusing to take them into consideration. It appears, by the paper read by the clerk, that "the Lords are unable to acquiesce in the proposition now made by the House of Commons—that the corporations of Ireland, as reconstructed by the bill, should be confined to twelve cities and towns." That is, that the Lords resist the proposition of the Commons, which was, that corporations should be confined to twelve places. But was the noble lord justified in stating that the real and *bonâ fide* objection of the Lords is—that corporations are to be confined to twelve towns only, and, therefore, they wished to have them extended? The noble lord's description of their lordships' reasons is most imperfect; and if he had condescended to give them a second perusal, he would have found that their lordships do not object to the bill because corporations are confined to twelve places only, but "because it is in those cities and towns of larger population that the most extensive evils would, in their opinion, result from such reconstruction." That is the real reasons assigned, in distinct terms, by their lordships; their reason is not, that corporations is confined to only twelve cities and towns. The House of Lords, in the course they have taken, have acted in conformity with the opinion of no inconsiderable minority of this House—a minority not unimportant with respect of numbers, station, and respectability; and I am bound to add (not, of course, with reference to myself), powerful also in respect of ability. On the first day of the session this question was discussed—whether we should bind ourselves by a preliminary resolution, to extend to Ireland the principles on which we had given Corporate Reform to England and Scotland? On that occasion the House of Lords made, without a division, an amendment to the address, by which they declined to give that pledge. In this House I moved an amendment similar to that adopted in the other House, which was negatived by a majority of forty-one only. I believe that the course I then proposed—speaking with all respect of the decisions of this House—I believe that the course I then proposed—a course in which I consented to one great principle of the bill—namely, the dissolution of existing corporations, the extinction of the monopoly of power, heretofore confined to one party, making a sacrifice of the present power held by one party in the state—I think that the course I then pursued in proposing to make that sacrifice, to dissolve those corporations—but at the same time declining to establish other corporations, under the apprehension that the evils would not be removed, but only transferred, was the correct one. I concur, therefore, in the course which the House of Lords have taken. It is in conformity with the course which I have taken, and I should be ashamed of myself if, in the face of a majority, I shrunk from this avowal. I concur, too, in the substance of the concessions made by the House of Lords. There have been concessions, it should be remarked, by the House of Lords, upon matters, I admit, of a subordinate nature. I do not pretend to attach any undue importance to them as bearing upon the main point in this bill, respecting which great difference exists; but, let it be recollected, great importance was attached to them during the debates upon this subject. Upon these points the Lords have receded from their opinions. Let us see whether this concession does not show the spirit that actuates them; let us see whether it does not show, upon their part, a dignified resolution to reject all menaces, to despise all imputations of sordid and sinister motives, and, after collect-

ing what they believed to be the prevailing opinion of the House of Commons, to meet them in a corresponding spirit, and make an advance towards a conciliatory settlement. The noble lord contends that the House of Lords have rejected the vital and popular principle of the measure. I must say that a greater exaggeration of the extent of the difference between the two Houses I never heard. What is the extent of the difference between the two Houses? The House of Commons proposes that there shall be corporations in twelve cities and towns in Ireland, and that twenty-two other towns shall, whether they wish it or not, be compelled to adopt the provisions of the Act 9 Geo. IV. The Lords, on the other hand, leave to every town in Ireland, the option of calling the Act 9 Geo. IV. into operation. It was objected, in debate here, that supposing the inhabitants of a town were to place themselves under the provisions of that act, still the property of the preceding corporation would be vested in the commissioners to be appointed. This was one of the objections most strongly urged against the Lords' amendments in the first instance. The Lords, however, have now decided that in all cases in which the Act 9 Geo. IV. may be adopted, the corporate property shall be vested in commissioners chosen by the popular voice. The noble lord admitted that this was an important concession. That admission is totally inconsistent with the noble lord's declaration, that the House of Lords have divested the bill of its vital and popular principle. We may differ with respect to the maintenance of corporations in Ireland; but I cannot understand how a measure can be said to be deprived of its popular principle which allows five-pound householders in towns, in that country, to elect commissioners for the purpose of local government, which commissioners are to have exclusive control over the corporate property of the place. Great objections were made to the continuance of certain corporation officers, who were, I think, called butter-tasters and weigh-masters. We heard a great deal of them. Now, have the Lords shown any desire to prolong corrupt interests (as they have been termed)—by perpetuating these appointments? As far as I can collect from the Lords' amendments, they have obviated all objection on this head. In the administration of justice, too, objections were urged with respect to certain officers; and the Lords have completely abrogated the compulsory clauses which related to those officers. These, then, are all important points which the Lords have conceded. Though I dissent from the proposition of the noble lord for the amendments being summarily rejected, I am bound to say, that, in the present temper of the House, I do not see any advantage to be obtained from a postponement of the discussion. I am bound to say so; I do not think that any nearer approach could be made towards a settlement by protracted conferences. I doubt whether, if ever the elements of a reasonable and satisfactory settlement are to be collected, there could be any advantage in looking for them now, on account of the influence of strong feelings which exist upon all sides, and the excitement of passions produced in the discussion of these questions. The noble lord has referred to the part taken upon this subject by a noble and learned friend of mine. A great part—much too great a part of his speech—was occupied by a reference to what has taken place in the House of Lords. The noble lord complains of the animadversions of my noble and learned friend, upon a speech delivered here by the noble lord. The noble lord ought to recollect, that if any offence has been committed, he was the first offender. I put it to the noble lord, whether, if a peer of parliament, admitted by courtesy to listen to our debates, had gone into the House of Peers, and there declared that he had heard with his own ears certain expressions used here—and had made a charge against the person who had so used them—whether or not the member of the House of Commons, so charged in the House of Lords, would not be justified, instead of involving himself in a question of order, or appealing to privileges, in defending himself, or in administering reasonable chastisement for the offence. That is the course which would be pursued, I am sure, by the noble lord himself. The noble lord has expressed his surprise, that on the second night of the debate there was no reference to the speech delivered by my noble and learned friend. He seems to think that a former colleague of my noble friend ought, on the second night of the debate, to have offered some explanation on the subject. Surely, the noble lord is not under the impression that I shrunk from defending my noble and learned friend from imputations cast upon him? The noble lord refers, I sup-

pose, to the explanations called for, from me, by the hon. and learned member for Tipperary. Upon that occasion I was asked this question—"Do you subscribe to these words? Do you adopt them?" My answer was—"I am here to explain my own sentiments and my own opinions." I have frequent opportunities of stating what are my own views and principles, and no one has a right to repeat to me words used by another person, and ask me, whether I subscribe to them. I did apply to my noble and learned friend to ascertain how far the interpretation put upon the words alleged to have been used by him was correct; and the answer I received was, that my noble and learned friend wished to reserve to himself the opportunity of making an explanation on the subject. My noble friend has explained the words referred to. He has put his own construction upon them. He has declared the intention with which they were used; and that having been done by my noble and learned friend, I am under no obligation—but the reverse—of entering into any explanation upon his part; and on my own, I refer to my own declarations with respect to Ireland, and the principles upon which I think she ought to be governed; and if at any future period you bring to me the words of another, my answer must be, "I speak my own sentiments; I explain only my own language." If, with respect to this bill, I have not explained what my sentiments are—if I have not made my opinions and principles manifest to you—I despair by any subsequent explanation of giving to you an exposition of my feelings. There is only one other point in the noble lord's speech to which I feel it necessary to refer. The noble lord has thought proper to declare, that under a certain alternative he should despair of the maintenance of the British constitution. It was with deep regret that I heard such a sentiment uttered by a minister of the Crown. At any rate, I disclaim any participation in the noble lord's despair. I do not entertain a doubt that the British constitution will be upheld. I do not believe that there is any desire entertained by the people of England to part with the advantages of a mixed government under which they have so longed lived! You say—you must not refuse to do justice to Ireland. No doubt you must not. But then you have no right to prescribe and enforce upon us, that which, in your opinion, constitutes justice. Hon. gentlemen may say, that noble lords shall not wantonly exercise this power; hon. gentlemen may declare that they shall not exercise the privileges which they have been vested with by the constitution for their individual benefit. No doubt they are not to do so. They are responsible for the power they exercise. They are not responsible to constituents as we are; but they are responsible to God [laughter]. I say, sir, solemnly—that the Lords are responsible to God, to their own consciences, and to their own intelligent fellow-countrymen. No doubt, they feel and act upon that responsibility. What does the noble lord say? "That, judging of the course which the House of Lords has hitherto pursued, he does not despair of an amicable arrangement of this question." Can you hold, that the House of Lords have pertinaciously adhered to their own opinions, without reference to the public good? I believe that the House of Lords will continue, as they have done, to give satisfaction in the exercise of a public duty—a duty that they owe to the people. I believe that, on account of the great functions with which they are intrusted, it is absolutely necessary that the power they possess should be maintained. I believe that they exercise those powers, not with a view to the mere exercise of power, still less on account of personal privileges, but upon enlarged and enlightened views of what is necessary for the public good. If they think it not necessary to yield to the first impulse of popular passion, I believe they are not only satisfied in their own consciences that they are doing what is right, but I believe they will be supported by such a mass of public opinion in this country—by such a preponderating mass of the intelligence and public opinion of this country—as will long secure the British constitution from the dangers which some appear to apprehend. There may be gusts of popular passion directed against the House of Lords; but I firmly believe that our mixed form of government is rooted in the hearts and affections of the people, and when they reflect what mighty changes in legislation have taken place in the last eight years, they will not believe that the House of Lords have set themselves up as perpetual barriers against the reform of all abuses—as is most unwarrantably alleged. I believe, that the more the Lords are threatened because they will not yield or adopt particular opinions, the more



that hold will be confirmed, which they justly have, upon the respect and the affections of the people of this country.

Lord John Russell's motion, That the amendments be taken into consideration in three months, was agreed to.

## ESTABLISHED CHURCH BILL.

JULY 8, 1836.

Lord John Russell rose to move for leave to bring in a Bill to carry into effect the recommendations of the Commissioners of Ecclesiastical Duties and Revenues.

SIR ROBERT PEEL said, upon the proposal of the noble lord to go into committee, a motion had been made and seconded, to prevent the translation of bishops. The hon. gentlemen who proposed and seconded the amendment, confined themselves strictly to the merits of the amendment. All the other hon. members who supported the views of the mover and seconder, had rather strayed away from the amendment in their remarks. With respect to the see of Durham, as he did not perceive that it had any necessary relation to the question now before the House, he could not discuss it at present. He thought, however, that before the motion was debated further, it would be very convenient to know whether the hon. member intended to press his motion to a division or not. In case he did, he thought the best form he could take would be as an instruction to the committee; it would be advisable, however, that the House should be assured upon this point, in order that it might know how to proceed. [Mr. Lushington meant to press his motion to a division.] In that case he should certainly support the bill of the noble lord, because he cordially approved, in the main, of the principle upon which it was framed. Throughout the whole of the labours of the commission upon whose report this bill was founded, political views appeared to have been carefully excluded, in the laudable desire to extend the sphere of usefulness of the Church to the furthest practicable limits, and in so doing, to attach the hearts and feelings of the people to the Church establishment of this country. He did not believe that there were any sincere friends of the Church more desirous to clear it from its imperfections, and to promote its usefulness, than the bishops who composed the late ecclesiastical commission. The whole conduct of those rev. prelates showed how desirous they were to give practical efficacy to remedial measures; and as one of their first steps, they unhesitatingly followed the example which had just been set them by the then ministry, and relinquished a large share of patronage in order that it might be applied to purposes of general utility. The hon. member for Liverpool, in the course of the present debate, had endeavoured to raise a distinction between what he was pleased to term the aristocracy and the democracy of the Church. The hon. member seemed to assume, that clergymen in the lower stations of the Church had no interest in the emoluments attached to the higher preferments. That was a position which he (Sir R. Peel) must deny. He maintained, on the contrary, that by upholding the dignity and the emoluments of the higher offices in the Church, they were also defending the interests and the rights of the so-called democracy of churchmen. Let the hon. member look to the first five names attached as signatures to the report of this commission. The first name was Dr. Howley, the Archbishop of Canterbury, the second Dr. Harcourt, Archbishop of York, the third Dr. Blomfield, Bishop of London, the fourth was the late Dr. Van Mildert, Bishop of Durham, and the fifth Dr. Sumner, Bishop of Winchester. When they read the names and recollected the history of those pious men, who had risen by the force of their own merit and great learning to the highest dignities in the Church, could the House require any argument to show that there was no distinction between the democracy and the aristocracy of the Church. By maintaining those high places, he was holding out, he thought, a stimulus to the emulation of the clergy at large, and a reward for distinguished merit or extraordinary service. By that means, too, they were encouraging a very laudable and a cheering spirit of ambition amongst them. No doubt considerable irregularity existed in the emoluments of the different bishoprics; but he apprehended that, from the peculiar usages and customs in different sees, and the difference

in expense attendant upon them, that inequality was less in reality than was generally reported. To put the see of Durham, for instance, on the same footing in point of revenue with the see of Chester, might apparently be to put them upon an equality, but in reality would result in a gross inequality between them. But there was another point of view in which he thought this subject should be considered. It appeared to him, that by allowing of some degree of inequality between the different sees, they would assimilate the Church establishment in some degree to the other civil institutions of the country, and with an evident advantage to the Church and to the country itself. Certain he was, that the system of unequal division had not been countenanced, either by preceding governments or the present government, with any view to influence the bishops in their political conduct by the hope of promotion. The hon. gentlemen spoke against the propriety of holding out an object of ambition to the bishops. Now this involved a question of great importance, which ought not to be hastily decided—namely, whether the bishops ought, or ought not, to be wholly excluded from all participation in political matters, and all share in the management of the civil affairs of the country. For his own part he was free to declare, that he believed that, on the whole, it was of great advantage to the country that the bishops were permitted, under certain restrictions, to take part in the general affairs of the community. A class of ecclesiastics, totally disconnected from all concerns in civil affairs, and altogether removed from politics, would form an infinitely less enlightened, and an infinitely less liberal body of men in every respect; with less capacity for the religious duties of their station than our present clergy. The hon. gentleman had further complained, that the government in power for the time being, always selected their own friends for promotion to a vacant see. Now that appeared to him to be a very natural consequence, as long as parties in power had the choice in such matters. Yes, he maintained that it was a very natural, and he did not think a very blameable, course of proceeding; at least he felt pretty confident that if his Majesty's present advisers had acted upon a different principle, when occasions offered to them for selection—if, for instance, they had chosen a person to a vacant see who was known to be opposed to their views in politics—the government would have had to listen to a very severe lecture from their friends. Whilst, therefore, on the one hand, he maintained that these preferments were not made use of as the reward for apostasy, or as inducements for the avowal of a particular set of opinions; on the other hand, it was equally clear to him, that if once the propriety of admitting the bishops at all to participate in the political affairs of the country was admitted, it must be a natural and inevitable consequence that those persons would be selected for promotion to that sphere of political action, who were supposed to be most likely to support, by their voice in the assembly of parliament, the views of those who placed them there. With respect to the bill now before the House, it was undoubtedly a great measure of reform, and one the more likely to be of permanent utility, because it had, to a great extent, been brought about through the cheerful co-operation of the ecclesiastical body themselves, and because it had been framed with a friendly regard to the safety of the whole Church establishment. There was no desire on the part of the Church to maintain the system of pluralities; at the same time the necessity, which every one must be aware of, of providing for the duties of certain smaller livings, must render it impracticable entirely to abolish pluralities. He believed that the point to which the present bill went in that particular, was the utmost extent which, with safety to the Church establishment, could be attempted. The House would observe, that there was to be a surplus raised by the bill, which was to be applied in aid of the smaller livings; and although this principle might not be carried out to the full extent some hon. members might wish, he trusted they would not on that account oppose the bill, the passing of which, he thought, would operate as a great practical advantage both to the Church and to the country at large.

An amendment moved by Mr. Lushington was negatived, and the original motion carried by 142 to 22; majority, 120.

JULY 12, 1836.

Mr. Jervis (on the motion that the Speaker leave the chair) begged to move, that it be an instruction to the Committee, that they have power to receive a clause that no clergyman not fully conversant with the Welsh language be appointed to any see or benefice in the principality of Wales.

SIR ROBERT PEEL said, that agreeing as he did in the principle advocated by the hon. member for Chester, and believing that the majority of the House conceded to that principle, he hoped that the hon. gentleman would not divide the House upon his motion, because, as there appeared to be certain difficulties apprehended in the way of carrying his object into effect in the manner which he suggested, a wrong construction might be put upon the feeling and opinion of the House; and it might be supposed that the House did not agree in the principle of the hon. gentleman, because they did not accede to his proposition: although he (Sir Robert Peel) could not go along with the hon. gentleman in making it an absolute condition upon induction into a living or see in Wales, that the person inducted should be conversant with the Welsh language, he cordially agreed that the object he wished to attain was a very desirable one. He (Sir Robert Peel) owned that, he was not influenced in his opinion upon this subject by being told that, if this motion were carried, it would be impossible to resist another motion for extending its principle to the case of the judges who went the Welsh circuits. He was not quite sure whether that would not be advantageous; and whether justice would not be much more satisfactorily administered, when the judge himself could understand the evidence of the witnesses directly from their own mouths, than when that evidence must be received through the medium of an interpreter. Neither could he agree with those who apprehended from this motion being carried, any tendency to widen the separation between the two countries. He believed it would have a contrary effect. Depend upon it, that by sending into Wales clergymen who would be able to converse with their parishioners in their own tongue, so far from producing a greater separation between the countries, you would be taking the most effectual means for promoting the disuse of the Welsh, and the prevalence of the English language, because you would thereby inspire the Welsh people with confidence in the English government, and assure them that their interests were considered in this House. On the whole, although he hoped and believed the Bishops of the principality would see the advantage of exercising a proper discretion in the appointment of clergymen to Welsh parishes, and though he believed this debate would go some way in promoting the object of the hon. and learned gentleman, he (Sir Robert Peel) hoped the hon. gentleman would not, by dividing the House upon a proposition to which he for one could not agree, give rise to the supposition that the House, in negating his motion, did not adopt his principle.

The amendment, in an amended state, was agreed to, as were the remaining clauses of the bill, and the House resumed; the Bill to be reported.

JULY 14, 1836.

The Report on this Bill was brought up. On the question that the amendments made by the committee be read a second time—Mr. Hume moved, as an amendment, that they be read a second time that day six months.

SIR ROBERT PEEL was of opinion, that his Majesty's government having duly considered what were the best means of securing a measure of practical church reform, had actually brought forward a measure to accomplish that. If the House rejected the bill, they would reject a great benefit. If, for instance, the House rejected the bill, they would enable his Majesty's government, in the event of a vacancy occurring in the diocese of London, to appoint a bishop, who would retain all the emoluments that at present belonged to that see. If the House agreed to press that bill, they would establish the principle, that the maximum revenue of the Bishop of London should not exceed £10,000 a-year. He cordially approved of the course taken by the King's government on the present occasion. If they had adopted any other course—if, for instance, they had proposed to submit the minor details of the measure to the consideration of a committee of the whole House, it would be impossible for the legislature to pass any bill upon the subject in the present session of parliament.

If the House felt generally satisfied with the principle of the measure, he thought that the details of it might very safely, and very properly, be left to the consideration of a commission appointed by themselves. At all events, he thought that that would be a better course for the House to adopt than to reject the bill for the present session. So much as to the mode of proceeding. He would now say a word or two as to the principle of the bill. He apprehended that the bill proceeded upon the principle, that bishops were to continue to sit in the House of Lords. If that were the fact, the House, when it came to consider the expenses to which the bishops were subjected from the necessity of residing a portion of the year in London, independent of the claims upon their charity and benevolence, would see that the amount of emolument proposed by this bill to be left to the office of bishop was by no means extravagant. An hon. gentleman opposite had asked why the income of each should not be limited to £4,500 a-year? When that question was put, he thought sufficient consideration was not given to what must necessarily be the difference in the expenditure of the holders of different bishoprics—£4,500 a-year might be an abundant income in one bishopric, whilst in another it would hardly be more than sufficient to provide for the ordinary claims upon the benevolence of the diocesan. As to what had been said of the advantage to be gained to the government from the translation of bishops he must say, that he thought a most erroneous impression existed upon that head. But even if it were possible for a government to obtain any undue advantage in that way, he thought that the check of public opinion would be much more effectual than any law that could be passed upon the subject. He thought, however, that no government that could exist at the present time was likely to attach the slightest importance, or to look for the smallest advantage, from the translation of bishops. It seemed to be taken as an objection to the bill, that it did not provide directly and positively against the translation of bishops. But although the bill contained no positive enactment upon that head, it must be obvious to every one that it afforded every possible discouragement to translations, by producing as nearly as possible an equalization of the incomes of all the bishops, or by far the greater number of them. Under the provisions of the present bill, the incomes of the majority of the bishops would vary from £4,000 to £5,000 a-year. The utmost difference between them would not exceed £700 or £800 a-year, yet some of the hon. gentlemen opposite seemed to think that such a sum would be sufficient to influence their political conduct: he confessed that he could not join in such extravagant notions of the corruption of human nature. The amount of fees, and the many other expenses consequent upon the translation of a bishop, would leave so small a pecuniary inducement to obtain a translation, as to render it extremely improbable that any would sacrifice a political opinion for the sake of obtaining it. He felt opposed to any provision that should positively forbid translations, because he could imagine many cases likely to rise in which it might be convenient for the church, and highly beneficial to the church, that translations should take place. He approved of the arrangement proposed to be made by the bill, from a full and firm belief, that so far from the emoluments being disproportioned to the actual expenses of the bishoprics, if the bishops acted as they ought to do—if they attended to the claims of benevolence and charity which were continually made upon them, and which he believed most of them did—he considered, that the incomes of the bishops, instead of leaving them rich men, would not be more than sufficient to provide for the actual wants of their situation. Upon the whole, therefore he still thought the bill might be very beneficially adopted, and that no delay ought to be opposed to its progress in the present session.

The amendment was negatived, and the report agreed to.

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## STAMP DUTIES.

JULY 18, 1836.

The House in Committee on the Stamp Duties' Bill.

Mr. Grote proposed the insertion of a clause having reference to the stamps or dies of newspapers, which was opposed by the Chancellor of the Exchequer,—

SIR ROBERT PEELE did not see the force of the objection made by the Chancellor of the Exchequer to the proposition of the hon. member for the city of London. He did not see why, consistently with the alteration they were about to make in the law, they should not go one step further, and impose on all newspapers the use of a distinctive die. There might be an objection to this in point of time, but in point of principle he thought there could not be any; because, by the 173rd clause it was made penal for any person to take out stamps in the name of one paper to be used by another. It was therefore required that the party should take out stamps for his own use only. It was also required that a return should be made of the number of stamps so taken out, so that the stamp-office would always know what the extent of the circulation of each newspaper was. The question whether the number of stamps issued to each newspaper should be published or not, would remain precisely the same, whether the clause proposed were adopted or rejected. It did not follow as a necessary consequence, that if each newspaper were required to use a distinctive die, therefore the public would know how many stamps were taken out. The right hon. gentleman might still resist the publication of the number of stamps issued, upon the ground that the principle was not a right principle. Whether the argument of the right hon. gentleman would be a valid argument or not he would not stop to inquire. Be it as it might, the adoption of the present clause would leave the principle the same. The right hon. gentleman had said, that under his optional clause newspapers which were of extensive circulation would take out the die, and those which did not would lie under the opprobrium of being of small circulation. But if, in point of fact, the legislature indirectly required them to take out a die, or else subject them to public mistrust, why will you not go to the length of saying—that the law requires you should take out the die? It appeared to him to be infinitely better to take one or the other of these courses. Either to say, the newspaper proprietors should be at liberty to transfer stamps from one to the other; or to say, they should take out the die. But to say that it should be permissive was altogether delusory. Unless effectual security were taken, nothing could be accomplished. He was not aware that any objection existed to the adoption of the die. The expense would be exceedingly trifling. He thought, therefore, that to make it compulsory on newspapers to use a die, would, upon the whole, be perfectly fair. It would be the most effectual security to all parties, and it would still remain for the House at any time to determine, whether or not returns should be made to show the actual amount of circulation of each paper. He therefore, for himself, not having heard on the part of the newspapers any objection to the taking out of the die, was rather inclined to support the proposition of the hon. member for the city of London.

Clause postponed. In reply to a question by Mr. Hume, in reference to the additional halfpenny charged upon supplements to newspapers, the Chancellor of the Exchequer said, that the duty was imposed upon the same principle upon which letters paid postage. Single letters all paid the same postage, and if a double letter were put into the post it was charged double. There must be a limit somewhere. The question had, however, been already discussed, and settled on the basis of a penny stamp, and if they were to say that half a sheet of paper should only pay a halfpenny stamp, they would be abandoning the principle upon which the House had already decided to act.

Sir Robert Peel said, there was a still stronger reason. When newspapers have the temptation to publish double sheets, they do not do so without giving the public an equivalent. It was not done because the newspaper had double the quantity of news, but for the advertisements, and upon each advertisement the sum of 1s 6d. was paid, and therefore, though they permitted double sheets for the same stamp, in point of fact they were in another way deriving great advantages. Take for instance *The Times* newspaper. The amount of its advertisement duty was £10,000 a-year. This was much more than sufficient to pay the expenses of postage. He confessed that he thought it much better to place a duty of 1d., and he was sure that newspapers which had the temptation to publish double sheets, would, in so doing, be giving the public some equivalent in the way of advertisements. At the same time, his right hon. friend, the Chancellor of the Exchequer, had met the proposition of his right hon. friend (Mr. Goulburn) with so much fairness, that he would withdraw all objections to the restrictions. He was

of opinion that it was quite just and reasonable that the restrictions should be placed on the quantity of the printed matter. If they took the mere size of the newspaper, it would be subject to inconvenience, because sometimes there was a difference of size in the sheets on account of the great rapidity with which they were cut off; and if they took the size of the paper, it might happen that 100 newspapers would be subject to the additional duty, whilst the remainder, containing the same quantity of printed matter would be free from it. The compromise proposed was a perfectly fair one: it was founded on principles of justice; but his right hon. friend the Chancellor of the Exchequer, was justified in reserving the further consideration of the means of giving it practical effect.

Later in the evening, Sir Robert Peel said, that there was one part of this subject to which he was anxious to draw the attention of the committee—he meant the subject of copyright. He hoped that it was the intention of his right hon. friend (Mr. Rice) to make the protection of copyright concurrent with any changes in the law. They were about to make a great revolution in the mode of conducting newspapers, simply by the reduction of the stamp duty, which would destroy what some called a monopoly, but what others considered to be the true cause of the very high character of the press of this country, more particularly with respect to its intelligence. In making these great changes, it was a matter of strict justice and sound policy to devise some means of giving for a short period some copyright. Unless there was, at the same time, a remedy of a summary nature, in point of fact no copyright could be effectual. He must say, that of all the phenomena of civilized society, he doubted whether there was any thing more remarkable than the mode in which the people of this country were supplied with intelligence. It was one of the most wonderful instances in which, without the intervention of government, merely by dint of private exertion and expense, the public was supplied from all parts of the globe with that intelligence, the possession of which constituted one of the great sources of rational amusement and instruction. Some said that the press of this country was less eminent in point of intellect and ability than that of other countries. He did not entertain that opinion. Of course, in the free discussion of political questions there would be always much of acrimony, of personal comment, and reproach; but upon the whole, comparing the press of this country to that of France, or the United States, or to the press as it existed in any other country, or ever did exist, it was a remarkable instance of ability and intelligence, of readiness, of application in the mode in which the public intelligence was procured through the intervention of private men, and a most remarkable instance of the application of capital. He hoped, at the same time that they reduced the amount of duty, which might have operated as a monopoly, that they would act consistently with justice, and make concurrently some regulations by which those who had been at the trouble and expense of procuring the earliest intelligence might be protected from being deprived, for a few hours at least, of the exclusive advantage of that intelligence. He hoped, that in the course of the session some effectual means would be devised also to prevent all interference with the title of a newspaper for the purpose of imposing on the public, and he hoped that, within certain limits (for there must be limits,) those who had gone to the expense of many thousands in procuring intelligence, would, in the first place, be allowed a copyright; and next, that it would be made effectual by some summary process.

The remaining clauses of the bill were agreed to. The House resumed; bill reported, and ordered to be printed.

## CHARITABLE TRUSTS.

JULY 19, 1836.

Mr. Vernon Smith moved the further consideration of the report on the Charitable Trustees' Bill.

SIR ROBERT PEEL was rather surprised at the remonstrance, gentle as it was, that the hon. gentleman had made, as to taking the discussion of this bill on the

report. If the hon. member had, at an early period some evening, asked leave to bring in the bill, and invited discussion; or had he pursued the same course on the second reading, and given ample notice of when the second reading would take place, then he might have expressed some surprise at the debate being taken on the report; but when leave was given to bring in the bill after the hour of midnight, and that it was also read a second time on the 17th of June, at an hour nearer one in the morning than twelve at night, it having on both occasions escaped the vigilance of the hon. member for Salford (Mr. Brotherton), he thought that the hon. member might spare his expression of surprise that a discussion should now take place. When the report was brought up at half-past eleven o'clock, he (Sir R. Peel) made no objection; but he did take an objection to the principle of the bill, and asked the government to delay it, and he had said on the occasion—do not take silence as an acquiescence. He thought every precaution, therefore, had been used, that the hon. member should not be taken by surprise. The question was, whether the House would enact some temporary arrangement, as regarded the charitable trusts of corporate towns; or whether it would establish finally and irrevocably the principle, not only of popular election, but an indissoluble connection between these municipal bodies and the administrators of those charitable trusts. The bill before the House professed to be a permanent measure, not only from its professions, but from the nature of its enactments. If they once vested these reversionary interests in a popular body, and the interests of contingent remainders on these estates, they would be making an arrangement to place them practically beyond the reach of control, and a political body would have the control over these trusts. He agreed with the hon. gentleman, that it would be preposterous to revive the old corporations for the purpose of administering these trusts, and those who were opposed to the present bill were desirous of disuniting the administration of the trusts from a political body, giving, as those who agreed with him on this subject did give, a strong proof of their disinterestedness. The power would be vested, if the amendment of the Lords to the Municipal Corporation Act Amendment Bill was not agreed to, in the Lord Chancellor; and if held by him temporarily, and until some permanent arrangement could be come to by parliament, and until parliament could consider what the arrangement might be; although the Lord Chancellor was a political character connected with the administration, yet, even upon that understanding as to the exercise of the trust, he would rather prefer it, than consent to pass this bill, and thus establish a permanent connection between political bodies and those who were to have the administration of charitable trusts. In the other case they would have the advantage by letting the matter stand thus, that it would be merely provisional; for no appointment of secretaries and clerks could be considered as making the arrangement of a permanent character, and it would be open to parliament, in the next session, to consider the whole subject of these trusts, and make some permanent arrangement with respect to them. He implored the House to consider the necessity of making some provisional arrangement with the view of preventing a connection taking place between charitable trustees and these political bodies. The hon. gentleman had referred to some passages in the report of the committee, tending to show the manner in which the charitable funds had been misapplied in the hands of the late corporations to political and interested purposes. He would, with the permission of the House, read an extract from the report of the same commissioners on the same subject:—

“Other specific trusts are connected with charitable institutions and the administration of charity funds, which are under the control of the corporate authorities. Here, again, we find mismanagement and misappropriation to a considerable extent. The patronage connected with these trusts has in numerous instances been exercised by the corporate authorities to gain or reward votes both at the municipal and parliamentary elections. The instances given in the report are sufficient to illustrate the character of the abuses which are connected with specific trusts and patronage. They not only prove that the object of the trust has been lost sight of, but that a provision for the poorer classes of the community in the hands of the corporate authorities, has become a source of corrupt influence.”

Was the House, then, to remain perfectly satisfied that under the system of popular election, which had been introduced into the management of corporation affairs,

they would have an effectual security against such perversion of charitable trusts, and to precisely similar purposes, for the future? By the present constitution of corporate bodies, the members were almost invited to take part in politics. Although popular control provides many remedies for abuse, yet, where the passions were inflamed, and the struggle for political predominance was obstinate—he would ask, did popular control afford any security against the perversion of power; and was it not likely that the same political feelings which had been roused at the elections of members of parliament, or members of the town-council, would prevail when the same constituency was called upon to elect trustees to administer funds by which they expected to be benefited? All the proceedings of this House had been directed to the removal of this abuse, because where patronage was possessed by a political body, it had been used for political purposes. It was no compensation for this evil to be assured, that in one certain borough the Whig party might predominate, and in another the Tory party might rule, over the administration of charitable trust estates, and that therefore, on the aggregate, power would be apportioned fairly between them. The objection which he had to this principle was of a much higher kind. He had the same objection to the operation of political influence and patronage in the case of these charitable trusts, whether that influence were in the old corporations or the new. He desired to prevent the future application of charitable trust-funds to political purposes, and to preclude the possibility of corruption in their administration from flourishing. The evidence already laid on the table of the House, in the reports of the charity commissioners, fully showed, that placing the management of charitable estates in the hands of individuals chosen by popular election, afforded no check to practices which all must condemn. It was clear that where patronage existed, it would be exercised by either party for their own purposes; and this ought to be prevented, whether the patronage were vested in the government or in popular bodies. In order to show the intimate connection which, by this bill, would exist between the town-council and the new trustees of charitable funds, he would merely remark, that the constituency which was to elect them was to be precisely the same, and that the qualification for a town-councillor and for a trustee were also the same, with the exception that a clergyman might be a trustee, though he might not be a member of the town-council. Now, supposing the parties to be fairly balanced in the election of trustees, and that half the number represented one party in the borough, and the other half represented the other party in the borough, yet, as they were subject to annual change under the bill, the one party or the other might gain for a period, at least, the preponderance; and it was this liability to a constant change in the preponderance of the body, that, in his judgment, formed one of the greatest evils of this bill, and against which he wished to guard. By its provisions abuses would be perpetuated, though the power were transferred from one party to another. Would not those powers continue to be used for the promotion of political purposes? Why, the bill provided that the town-council (a political body) should have a control over the trustees; for the books of the charities were to be always open to them, and they were to have, at all seasonable hours, access to them. The bill contained another important provision, which went to establish even a still closer connection between the corporate body and the charitable body—a provision to which he especially wished to direct the attention of the hon. member for Southwark. He believed it to be a principle established beyond all doubt, that where there existed a surplus of a charity estate, over and above the amount specially directed by the donor to be applied to any particular purpose, in such a case the surplus should be disposed of as nearly as possible in accordance with the intention of the original donor—in other words, where, by lapse of time, by change of circumstances, or from any other cause, the charity estates and revenues had increased, that in such case the increased revenues ought to be applied and devoted as nearly to the objects which the original founder had in view as might be consistent with the existing state of society, and with that view applications had sometimes been made for an act of parliament. But what did the bill propose to do with any existing surplus? The bill enacted, that in every case in which the hereditaments or personal estate of which the charitable trustees of any of the said boroughs now stand seized and possessed, are chargeable for the purposes of the trust with a fixed sum, or with a charge wholly satisfied by less than the



whole of the rents and profits of the real estate, or of the interest and dividends of the personal estate of which they are so seized or possessed, the whole estate was to go—how did the House suppose?—not to be applied according to the principle he had stated, to purposes of benevolence, of charity, or of education, as the case might be; but, “the whole estate, right, interest, title, powers, and liabilities of the said trustees in the said hereditaments and personal estate, should, immediately after the passing of this act, be vested in the mayor, aldermen, and burgesses of the said borough, subject, in the first instance, to the charge created for the purposes of the trust.” The clause did not contain one word as to the application of the surplus funds to purposes of charity, benevolence, or education. On the contrary, the remainder was to be paid over to the borough fund, which was applicable to the purposes of lighting and watching. Provided there was a specific charge made in a will when that was to be considered as satisfied, the whole was to be transferred to the corporate body. Again, it ought not to be forgotten that the freemen, and those most interested in the charity funds, were not given, by this bill, any voice in the election of the trustees; but the choice was given to those who, by establishing a certain fixed charge, as in the terms of the clause he had read, might gain the surplus, and by it save their own pockets from contributing to otherwise borough rates. On the construction of the clause many great and important questions arose. He would take one case out of many that might be cited. In Stratford-upon-Avon, for instance, the property of the corporation consists of two estates, one called the guild estate, and the other the college estate. This property was vested in the corporation by a charter of 7 Edward VI. The maintenance of an alms-house and a free grammar-school was expressly mentioned in the charter as the main object of this grant. The charter directed that 4*d.* each should be paid to the poor men in the alms-house, and that an annual stipend of £20 should be paid to the school-master. A further sum of £20 was also, by the charter, directed to be paid to the vicar. It appeared from the report, that the vicar complained to the corporation commissioners, that the charity trustees did not make any increase to his stipend commensurate to the change in the times, the increased duties of his office, and the increased price of provisions. The commissioners had, therefore, to inquire whether or not the claim of the vicar for an increase was well-founded; and in their report they said—

“We think there is an obvious distinction between a direction to pay a specific stipend for the express purpose of maintaining an institution, and a direction to pay a stipend to an individual without reference to an object to be maintained by such payment. In the former instance, we conceive that the payments must be increased to the full extent of the revenues granted, if such additions become necessary for the proper and effectual support of the institution. In the latter case, the whole obligation is discharged by the payment of the specific sums directed.”

On these grounds they hold that the vicar had no claim whatever, though there existed a surplus. This was a case in point, and many other cases presented similar difficulties. He could not consent to a proposition embodied in the bill, which, without carrying out the intentions of the original donors, transferred the means of patronage to a political party—until, at all events, the subject shall have received much more consideration than as yet had been given to it. Let hon. members bear in mind what took place last year with reference to this subject. A select committee was then appointed to examine and consider the evidence contained in the reports of the charity commissioners—to devise the means proper to be adopted (and to report the same) for the more prompt, efficient, and economical administration of the charitable funds of the country. The committee made their report, in which, after stating their hope that early in the year 1837, the whole of the reports of the commissioners would be received, they suggested a remedy for the evils of the system which prevailed. That remedy, however, did not apply the surplus charitable revenues to the lighting, cleansing, or watching the corporate town in possession of the charitable estates, but had regard to the objects contemplated by the original founders. Neither did they recommend that the town-council should have the entire control (as under this bill they would have) of the charitable funds. They reported:—

“The last head of inquiry upon which your committee are to report their opinion—namely, the mode by which charity funds may be more efficiently, promptly, and economically administered—comprises many considerations of great interest and difficulty. When it is considered that these funds amount to about £1,000,000 per annum, it is obvious that their proper management and right application are matters of national concern, the more especially as the objects of their appropriation embrace, to a very large extent, the education and comfort of the people. The committee, then, recommend that the superintendence, and, in certain cases, the administration, of all property devoted to charitable uses, should be intrusted to a permanent board of three commissioners, or some other independent authority, on whom should be imposed the duty of superintendence and control over the administration of all property devoted to charitable uses; that such board should have authority to summon before them all persons concerned in the administration of any charitable institution or funds; in case of necessity to appoint—and upon adequate cause established to remove—trustees; to prevent the sale, mortgage, or exchange of charity property without their concurrence; to take care that all charitable funds be invested upon real or government securities; and generally to authorize such arrangements as shall appear calculated to promote the object of the founder, and in cases in which that object is useless or unattainable, to suggest such other appropriation as may appear desirable.”

The House must observe that the recommendations of the committee were wholly at variance with the provisions of this bill, which bore no similarity to the bill introduced by a noble and learned lord in another place, who had devoted much attention to the subject of charities, and whose state of health, which he regretted, had prevented his presence in his place during the present session—he alluded to Lord Brougham. That noble and learned lord introduced a bill on this subject into the other House, and his plan was, that a board of commissioners should be created to consist of the Lord President of the Council, of the Lord Privy Seal, the Secretary of State for the Home Department, and of three other commissioners, to be paid a salary, and to be appointed under the sign-manual. The noble lord's bill was silent as to placing charitable trusts under the management of individuals chosen by popular election; neither did it propose to appropriate the surplus revenues to the borough funds; on the contrary, it empowered those commissioners to confer with the local authorities for the purpose of applying the funds to the extension of charity and education. With all these difficulties in the way of a satisfactory settlement of this question, would any man venture to affirm that it would be wise, in the month of July, to come to a permanent arrangement, and especially an arrangement vesting the election of the trustees in the popular body? It would be much better to make some temporary arrangement, and to take up the subject early next session. He wholly and entirely disclaimed any desire to have charitable funds applied to any political purposes whatsoever—but he objected to any permanent arrangement being now made, which would preclude full and ample consideration of the whole matter. What permanent arrangement ought finally to be made he was not prepared to say; but he must object, at this period of the session, to proceeding with a bill giving the control of those funds to popular bodies, and so completely at variance with the terms of the report of the committee, and with the provisions of the bill introduced into the other House of Parliament by Lord Brougham. He did not impute to the hon. gentleman opposite any desire to gain a party advantage. The question was one of a most important character; and, hereafter, individuals would look to see how far the intentions of charitable benefactors of former times were regarded, and on that, in a great degree, would depend the extension of a similar bounty by benevolent individuals of the present age. He entreated the House to pause, and, by making some temporary arrangement, to reserve to themselves the opportunity of more fully considering the subject, and of carrying out the intentions of the original donors.

The original motion was agreed to.

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## ESTABLISHED CHURCH.

JULY 19, 1836.

On the question, that this Bill be read a third time,—Mr. Hume moved, that it be read a third time that day six months.

SIR ROBERT PEEL said, he was unwilling to rise, from an apprehension that what he thought it necessary to say might expose him to misconception. The hon. gentleman opposite (the member for Liskeard) had seemed to argue, as if the introduction of the present measure ought to be regarded in the light of a great political triumph to the opposition. There was not the least foundation for any such opinion; he himself had not the slightest interest in the result, and he could not look upon the proceeding at all in the light of a concession. The hon. member for Liskeard had spoken of the present proceeding as a political manœuvre which had proved quite successful—it was no such thing. He and his friends were no parties to the Report of the Ecclesiastical Commissioners. When he was appointed to the chief office in the administration by the crown, he advised the crown—seeing a strong feeling in favour of reform in the church—to issue a commission; and he did so in the full conviction, that a reform which was sanctioned by the heads of the church, which had the weight of their authority, and came recommended by their high example, would be the most likely to prove satisfactory to the great body of the people, and be, therefore, permanently advantageous to the church itself. He did think that, by means of that consent, they would be enabled to carry a measure of reform better calculated to impart efficiency to the church in all its portions, than if it came without the approbation and good-will of the bishops and of the dignitaries of the establishment. When he retired from office, he retired from any connexion with the commission; its continuance was a matter of perfect indifference to him; at the same time he felt bound to say, that he could not at all understand what object the present government could have in bringing forward the present measure, except to increase the efficiency of the established church; but, in addition to that remark, he begged again to say, that he had no personal or political interest in the result; he had had no connexion with the measure, or with the noble lord who had undertaken its introduction. To him it was no favour—no concession; justice, however, required him to say, that the parties concerned in the production of the measure, appeared to have acted upon perfectly independent grounds; there was, therefore, no triumph on the one hand, and no disappointment on the other; and it would have occasioned him much regret if there had been any thing of personal or political feeling. There existed nothing that in the least approximated to feelings of that nature. The best possible proof that honest and upright feelings governed the parties concerned in the proceeding was to be found in this, that those who advised, and those who continued the commission—that the crown, the commissioners, the heads of the church, and others possessing patronage, were willing to relinquish that patronage, and to place it at the disposal of the commission, to be made available for the purposes of a just, a useful, and a salutary reform. Who was there that did not know how valuable canonries and sinecures in the church were? And yet many of these valuable pieces of preferment were given up by bishops and others who possessed in them vested rights, and who, according to usage, might have bestowed them upon members of their own families, who naturally looked up to receiving such species of provision. They were clearly, then, influenced by a *bona fide* desire to promote the general good of the church. With respect to the particular bill then under consideration, it did appear to him to go far enough in diminishing the incomes of the bishops. He desired to see them in possession of incomes sufficient to support the decent and decorous dignity of their rank. He would not listen to any thing less; they ought to be in a condition to provide for their families, to defray the expense of residences in London and in the country, of contributions to charities, and of keeping up a liberal and becoming hospitality—in short, of all that might be requisite for enabling them to live upon terms of equality with other persons of similar rank. Bearing in mind these considerations, he should say, that £15,000 a year was not too much for the Archbishop of Canterbury, and he should defend £15,000 a year as well on these grounds as on that of the general interests of the church. To those who proposed

to reduce such an income still lower he should say, that they ought to inquire, could the expenses of the rank and situation be defrayed for less? and not apply themselves to a minute inquiry as to whether there existed elsewhere incomes inadequate for their purposes. To such description of inquiries he saw no limit. Their duty was to see what the highest rank in the church required, and not to injure the efficiency of that for the sake of pushing inquiries to an extreme point in the opposite direction. Upon these principles, then, he should support the bill, and he hoped nothing he had said would prejudice the success of the measure.

Debate adjourned. The bill read a third time, July 25, 1838.

## AGRICULTURAL COMMITTEE.

JULY 21, 1836.

In consequence of a remark by the Earl of Darlington, who expressed his regret and astonishment that this Committee had determined to make no Report—

SIR ROBERT PEEL thought it necessary, as he had been a member of this committee, to trespass upon the House with a few words on the present occasion. When the committee was originally appointed, it would be recollected, perhaps, that he had reluctantly given the proposition his assent; and the reason upon which he assented to it at all was, that being perfectly aware that distress did prevail to a very great extent in many of the agricultural districts, he knew with what feelings of bitterness and alleged hardship men who were deeply concerned in these interests, deeply and personally affected by that distress, might view an unconditional refusal, on the part of the government and of the House, to inquire into their condition. But well he recollected also, that whilst he gave this as his reason for acquiescing in the appointment of this committee, he at the same time predicted that nothing but disappointment would be the result. He foretold this upon many considerations. In the first place, he recollected the committee upon this very subject in 1833, which reported its opinion to the House, that the agriculturists should seek relief from their own exertions rather than from any extraneous or collateral sources. In that report he had acquiesced, and he remained still unaltered in his opinion, that, let the newly-appointed committee make whatever report they might, it would come in the end to the same result—and it would be a delusion for them to tell the country, or to hold out a hope, that parliament had the relief of the agriculturists at all within their power. He certainly could not deny, that the present system of tithes was a very serious burthen upon the land; and, so far as it went, a fundamental cause of the distress which at present prevailed. But this subject was one which could only be dealt with by the House itself; nor did he expect that the House would, on that question, suffer itself to be guided by the opinion of a select committee. Then there was the currency. The inquiry before the committee was certainly a general one; and, therefore, it would have been unwise to have thrown the slightest impediment in the way of their examinations even upon this point. He had interposed, therefore, no impediment in the way of the particular question mooted in the inquiry, fixed as his own opinions were and are, that—(without discussing the expediency of the new system of currency which some years ago was adopted)—great distress must inevitably prevail throughout the country, if any attempt were to be made for returning from the present convertible currency, to the inconvertible paper currency which formerly existed. He thought it would be impossible now to return to the old system, without materially endangering the stability of the property and interests, not of one, but of every class of persons in this kingdom, and giving rise to doubt and anxiety in the public mind of the most painful character. A metallic standard and a convertible currency had existed during a period of fourteen years; and all the transactions during that period having been engaged in under that currency,—and upon the faith pledged, time after time, by this House, that the currency and standard should not be again departed from—it would be, in his opinion, useless and hazardous in the extreme, to hold out any prospect of a re-opening of the question. It was now agreed upon, on all hands, that parliament never adopted a measure more like to secure to industry its reward, and to preserve a fair equality in the prices of labour and of necessaries, than that for a just and unfluctuating currency.

The result of the inquiries in the committee went to prove the beneficial operation of that measure; the condition of the working classes was found to have been gradually improving under the present system of currency, and it was shown that any alteration in that system could now only act injuriously upon those who depended upon the price of their daily labour for their support. With respect to the course adopted by the committee in declining to frame a report, he must say that, for his part, he was not surprised at it: and whatever disappointment might have been felt by some parties at the absence of such a report, that disappointment had been small, compared to that which would have been experienced had the committee merely reported opinions upon which they had all agreed. That any discussion had taken place upon the subject at all, he looked upon as no mean compliment to his noble friend (Lord Chandos), who, by merely giving a vague notice of an intention to move for an inquiry upon the subject, caused his Majesty's government to anticipate him by a passage in the King's speech at the beginning of the ensuing session, recommending such an inquiry to be made. His noble friend's influence with the government must undoubtedly have been very great, when, by a casual intimation of this kind, he caused the subject to be taken up in his Majesty's speech, and subsequently put in course of inquiry by the noble leader of his Majesty's government in that House. To show still further the deference which the noble lord (Lord John Russell) paid to the influence of his noble friend, when the noble lord came down to the committee to state his reasons why he thought no report should be made, the noble lord said he came to that conclusion in deference to the opinion of his noble friend. Really, his noble friend (Lord Chandos) must wield a potent influence in the state, when he had caused the government to institute this inquiry, in the first place, merely by having entered a notice on the subject,—and then to make no report, in deference to him. It had been alleged that he could be but little affected by the state of the agricultural interest. But he could say, that he had a much deeper personal interest in agriculture than in any other interest or branch of industry in the state. He felt the most strongly-rooted attachment to agriculture, and he believed that these were the strongest reasons to justify a feeling of preference.—At the same time, he was so perfectly satisfied that the hopes of the agricultural interest must rest eventually upon their own exertions, that he could not bring himself to encourage the delusive expectations, on their part, that the legislature, either by an alteration of taxation, or any other change in the financial system of the country whatever, could permanently or substantially place them in an improved condition. He should rather tell the agriculturists to look at the farmers of Scotland, and endeavour to work out some plan of amelioration, and consequently of relief for themselves, which, however inadequate, perhaps, to meet the temporary pressure, would eventually be found much more beneficial than any which parliament could afford. To say the truth, he must own that he did not anticipate that any immediate or striking amelioration could at present be afforded, either by the exertions of parliament or of individuals. Such important changes, and such stupendous improvements had been made, of late years, in the mechanical arts, and in the application of them to the wants of society, that every interest in the kingdom must be expected to be affected by them to a considerable extent; and above all others have they wrought mighty changes in the relative situation of the farmer. It must not be concealed from them that steam-navigation was making a great revolution in this country, bringing as it did the produce of distant lands into competition with old and exhausted soils, and that this was the great reason why the stiff and clay lands of this country were subject to the disadvantages under which they at present laboured, and to which they must continue to be exposed till a check was interposed to the progress of human improvement. This, he would repeat, was the principal and strongest reason why the occupiers of stiff and clayey soils could not enter into a successful competition with the farmers of other lands which were more favoured by circumstances. Taking these circumstances into consideration, he acquiesced in the resolution of the committee not to submit any report to the House. But, if he might be allowed to say so, his recollection was not exactly the same as the noble lord's with respect to the course of conduct which the noble lord had pursued in reference to the proposed report. He was bound to say, however, in the outset, that in his opinion both the House and the committee were under great obligations to the chairman of the committee, for the industry, the ability, and the great impartiality which he had shown

throughout the inquiry. But as it seemed that they were at liberty to divulge the secrets of the prison-house, he would venture to state what, as far as his recollection guided him, the noble lord did when that report was submitted to the committee. The noble lord went through that report, reading it, like a magician, backwards, and as he went on he struck all the brains out of it. The noble lord stated, when he objected to parts of the report, that he would give most satisfactory reasons why they should not be retained. There was this objection to any observation on the subject of the currency, that a distinct resolution had been passed by the House,—that any alteration in our monetary system, which would have the effect of lowering the standard of value, was highly inexpedient and dangerous to the best interests of the country. Now, when a select committee was appointed to consider the subject of the currency—a question of immense importance, and immediately interesting every member of the community,—I cheerfully resigned any advantage I might have derived from the resolution, and relied on the intrinsic force of truth, and on the weight of the evidence collected in the course of the inquiry. Then we came to the question of the malt tax, and to the question of increased duty on foreign corn. The noble lord said, that these were questions for his right hon. friend, the Chancellor of the Exchequer, and of too much importance to be reported on by a select committee, and he wished the paragraphs in which those questions were referred to, to be omitted. The noble lord acted in the same manner with respect to one or two other points, and when he came himself to look at the report, he found that the noble lord had, with his sickle, so carefully cut down and gathered up every important resolution of the committee, that hardly any thing was left to report upon; and he had nothing to do but to assent to the proposition, that the committee should not present any report. On the whole, he thought that there would be less disappointment felt from giving the evidence unaccompanied by any report, than would be the case if the committee presented a mere mutilated document relating to matters of comparatively little importance. The noble lord did, indeed, propose a panegyric upon the reduction which had been effected in the county-rates, a reduction amounting altogether to £70,000, and which was attained by the partial transfer of expenses of criminal prosecutions to the government. He believed that the farmers were quite aware of the fact, and that in consequence their rates had been reduced a farthing in the pound; the noble lord's proposed resolution was at any rate a proof that he thought either that we were not informed of the fact, or were not sufficiently alive to its importance. The noble lord also recommended that the report should specify the tithe bill as a measure of great importance, and likely to afford great relief to the agricultural interest; but he suggested to the noble lord that the tithe bill had not yet passed into a law—that it was then before the House of lords; and that, although he sincerely hoped it would receive their assent and concurrence, he deemed it to be rather premature to dwell upon a measure as being a great boon to the agricultural interest which had not yet become law. The noble lord then adverted to the progress which had been made under the new poor law in diminishing the burdens upon agriculture, but he did not think that it was exactly the province of the committee to enter upon the consideration of the poor-law; for very little evidence had been taken upon the subject, and although that question would doubtless have formed a useful head of inquiry, yet, as the committee did not enter upon it, the consequence would be,—if it had ventured to say too much, and to predict great benefits from the measure, that that report, although future events might confirm the conjecture on which it had proceeded, would not be founded on any evidence that had been received. There was, however, a paragraph in the report relating to stiff lands which had been left undrained, and recommending the Scotch method, of an application of the plough and draining the sub-soil. We all felt, on reading the report, that if we omitted every thing relating to the corn-laws, every thing about the malt-tax, and the corresponding duty on foreign corn, the plough, in a report thus presented, would stand in rather too bold a relief. Then other gentlemen said, they had heard of harrows, and other mechanical improvements, which they thought deserved mention. He was at first, certainly, disposed in favour of presenting a report; but when he considered all the circumstances to which he had referred, and the expectations which had been formed, he most willingly acquiesced in the propriety of making no report at all; and he was very sure that the disappointment which would be felt, would not be so great as if the committee had presented a report in

which all the remedies that had been proposed for the relief of agriculture should have been discussed. He had attempted to state, and he hoped he had succeeded in stating correctly, the proceedings before the committee; and he must say, that if the noble lord was the original author of the proposal for a committee, and therefore responsible for what the committee had done—[“No! No!”] Why, surely the noble lord, in advising the King to recommend that committee in his speech from the throne, was more responsible for the appointment of such a committee, than a county member who had given a vague notice that such an inquiry would probably be instituted the next session; and therefore he said again, if the noble lord without a division agreed to let the committee report the evidence only to the House, it was rather too late for him to endeavour to throw the responsibility of the committee having agreed to no report, upon the shoulders of others.

The report was brought up.

## NEW HOUSES OF PARLIAMENT.

JULY 21, 1836.

Mr. Hume moved, “That a humble address be presented to his Majesty, praying that in order to obtain plans for the new Houses of Parliament, in accordance with the instructions already issued by the commissioners, his Majesty may be pleased to direct a further competition in designs, without limiting the designs to any particular style of architecture, and confining them to a certain fixed sum; and which designs may be publicly exhibited previous to the appointment of a committee by his Majesty to examine and report thereon.”

SIR ROBERT PEEL had heard the speech of the hon. member for Middlesex, and he confessed it had not left upon his mind the same impression that it appeared to have done upon that of the hon. gentleman who had just sat down. [Mr. Hawes.] Notwithstanding the liberal and extended view which the hon. member for Middlesex had taken of the subject, he certainly had failed to convince him (Sir R. Peel) that the House ought now to set aside all that had been done with respect to these plans, and to commence the whole matter anew. In the course of his speech, indeed, the hon. member himself stated that which would alone be a conclusive reason against his proposition, for the hon. member declared that he still contemplated a change of the site of the Houses of Parliament. If that were so, surely it would be absurd to appoint a new commission, and to have a preparation of new plans, on the assumption that the site of the building was not to be changed. Then there was another point; supposing the hon. member's motion to be acceded to, and a fresh inquiry to be instituted, he did not know where the House would now find commissioners to undertake the task of deciding upon the merits of the plans submitted to their consideration. There certainly was one point upon which he (Sir R. Peel) had firmly made up his mind—never again to act as a commissioner upon any subject of this kind, where a preference was to be given to the skill of one man as compared with that of others who had entered into competition upon the same work; because, if gentlemen who acted as commissioners gratuitously, and at the expense of a great deal of personal convenience, were afterwards to be assailed in a manner that the commissioners in this instance had been, and, moreover, were to see the whole of their labours quashed in a way so unceremonious as that proposed by the hon. member for Middlesex, he knew not where for the future any gentleman would be found hardy enough to undertake the office. But putting aside the commissionership, the next thing that he should deprecate, if it were a thing personal to himself, would be to be the successful competitor. Nay, he would rather be a commissioner than the successful competitor, to be hunted and pursued with every species of invective in the way that Mr. Barry had been. If the consequence, of successful competition were to be exposed to such a series of attacks as those which had been directed against that gentleman, he (Sir R. Peel) would infinitely rather remain in privacy and oblivion. He thought at first, that the Crown should be left at liberty to choose its own architect, in the same way as every private gentleman was at liberty to select whom he pleased when he wanted plans for the erection of a house of his

own. He thought, that if the most eminent architect of the day were directed to undertake the task, there would be a much greater likelihood of obtaining a plan which would secure accommodation, and do credit to the architectural taste of the country, than if an open competition of all artists were invited. This was his original opinion, and he confessed that the circumstances which had since transpired had not much tended to induce him to alter it. Acting upon the opinion which he originally entertained, the Crown did in the first place invite one of the most eminent architects to prepare plans for the new Houses, and that distinguished gentleman in consequence devoted several months to the task; and at last he produced a plan which was not adopted, because, from what afterwards took place, it was never examined. The reason why he objected to open competition in the first instance, was, because he thought it would discourage the most eminent architects from entering the field, and giving to the country the advantage of their designs. After alluding to the point of expense, and defending the estimates made by Mr. Barry, the right hon. baronet proceeded to observe, that the alterations subsequently made in the plan selected, by no means indicated any original inferiority, as some hon. gentlemen would wish the House to infer. The question to be considered was, comparing Mr. Barry's original plan with the other plans submitted to the consideration of the commissioners, whether Mr. Barry was fairly entitled to preference? If the commissioners thought that, combining exterior beauty with internal accommodation, it was upon the whole the best, and that it afforded the vastest elements for obtaining a building convenient for the parliament, and creditable to the national taste, then he thought they were justified in giving preference to that plan. Having given it that preference, were they to exclude it from all improvement? Could any thing be more absurd than to say, that a plan, adopted as the best of all that were offered to the consideration of the commissioners, was to be debarred from alteration? Whoever built a house and adhered so rigidly to the original plan? It would be matter for subsequent consideration whether, if they adopted the interior arrangements of the plan of another architect, it would not be consonant to the liberality of parliament to assign him a reward. The question now before the House was not, whether they should finally resolve to adopt Mr. Barry's plan, but simply whether they should declare the whole proceedings that had yet been taken, null. Perhaps some hon. gentlemen might think that they were acting under an implied engagement with Mr. Barry. To put an end to any doubt on this point, he would read a communication addressed to that gentleman by the committee, explicitly stating their views of the matter. The letter intimated, that the committee were not satisfied on the head of expense, and before any part of the building could be commenced, or any vote proposed to parliament, the most minute and correct estimate possible must be furnished, on the understanding, at the same time, that this estimate would not, in the slightest degree, bind the committee to the ultimate adoption of the plan. The committee wished to know what Mr. Barry would consider an adequate remuneration for preparing the necessary specifications, but stated, at the same time, that this must be kept perfectly distinct from the consideration whether the plans were to be ultimately adopted or not, and what should be the rate of remuneration to be allowed. No engagement could have been entered into with Mr. Barry; there was only a *prima facie* presumption that his plan was entitled to the preference. If the estimate drawn up on more accurate consideration, should be found greatly to exceed the original amount, it would be perfectly open for them to consider whether they would adopt it. The question was, whether they would extinguish all former proceedings in this matter, and invite a new competition, or allow Mr. Barry to proceed with his detailed estimate. If they should consent to annul all former proceedings, his belief was, that they would strike a fatal blow at the principle of competition. They would postpone the execution of a great national work for an indefinite period, and they would teach the most eminent of living architects to rue the day when, in compliance with their invitation, they sent in plans which had the misfortune to be entitled to the preference.

Motion negatived.

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## TITHES AND CHURCH (IRELAND.)—LORDS' AMENDMENTS.

August 2, 1836.

The Order of the Day for the consideration of the Lords' amendments on this bill having been read, Lord John Russell moved, "That the Lords' Amendments be taken into consideration that day three months."

SIR ROBERT PEEL then rose and spoke as follows: The motion with which the noble lord has concluded his speech is, of course, tantamount to the total rejection of the amendments made in the bill by the House of Lords, and necessarily amounts to a postponement, for another year, of the long-agitated question of tithes in Ireland. The noble lord has rested his opposition to the amendments of the Lords upon a double ground—first, upon his doubts whether the amendments do not interfere with the constitutional privileges of this House; and, secondly, upon the substantial merits of the case. I will follow the example of the noble lord, and consider each class of objections separately. In the first place, however, I must beg leave to remind the noble lord, that the objection, rather hinted at than expressly made by him, on the ground of interference with the constitutional privileges of this House, ought to be directly stated, and made a ground for a preliminary refusal to consider the amendments. I submit to you, Sir, that the course uniformly taken when such objections have been urged on former occasions was, that the invasion of privilege was considered a preliminary obstacle to any further proceeding with the measure; and a new bill was consequently introduced, if it was supposed possible to come to an understanding with the other House of parliament. The noble lord said, that he agreed with Mr. Pym in the declaration, that the privileges of the House of Commons were not conferred for their own benefit, but for the benefit of the country; and the noble lord added, that those privileges were not airy and unsubstantial nothings, but that whenever they were trenching upon, they ought to be resolutely defended. I call upon the noble lord to take that course. If his doubts be valid—if they can be maintained—the noble lord should urge them openly and boldly. Let him not suppose that I call upon him to take that course for the purpose of evading the discussion of the great principle involved in the question on the measure before us. If the noble lord will press his objection on the score of invasion of the constitutional privileges of the House, and the House should on that account refuse to take the amendments into consideration, I pledge myself that I will move for leave to bring in a bill similar to the present in its amended shape. Thus we should attain the double object of supporting our privileges, and discussing the question of Irish tithes on its own ground. If, as the noble lord said, our privileges are not airy and unsubstantial nothings—if, where they are trenching upon, they ought to be vindicated—let me tell the noble lord that it is not fair for a member of this House to "hint dislike, and hesitate a doubt" upon such a subject in his speech, when he ought to place upon record the nature of his objections. My view of this question is confirmed by high authority—that of Mr. Hatsell. I agree with the noble lord, as I said before, that we should be jealous of our privileges, and neither upon this nor any other occasion, permit an infraction of them; but, at the same time, we should be cautious not lightly to advance the pretensions of privilege, and then abandon them. Mr. Hatsell says:—"From the beginning of the present century, a period of above fourscore years, the claim of the House of Commons to their rights and privileges in matters of supply, have been seldom, or but faintly, controverted by the Lords. The rules which they have from time to time laid down to be observed in bills of aid, or in bills imposing charges and burthens upon the people, have been very generally acquiesced in; and the practice of both Houses of Parliament has been uniformly adapted to these rules. It may, perhaps, be difficult to express with precision and correctness the doctrine which is to be collected out of these precedents; but, as far as my observation has gone, I think the following propositions contain pretty nearly every thing which has at any time been claimed by the Commons upon this subject:—First, that in bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations, either as to the quantum of the rate, or the disposition of it, or, indeed, any amendment whatsoever, except in correcting verbal or literal mistakes; and even these the House of Commons direct

to be entered especially in their journals, that the nature of the amendments may appear; and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments. Secondly, that in bills which are not for the special grant of supply, but which, however, impose burthens upon the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor, &c., for which tolls and rates must be collected. In these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments. Thirdly, where the bill, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequence, will bring a charge upon the people, the Commons have denied the right of the Lords such amendments, and the Lords have acquiesced. And, lastly, the Commons assert that the Lords have no right to insert in a bill pecuniary penalties or forfeitures, or to alter the pecuniary forfeitures which have been inserted by the Commons. These rules, with respect to the passing or amending of bills, are clear, distinct, and easy to be understood and applied in all the cases which may occur. It has been sometimes attempted to extend this claim on the part of the Commons still further; or rather so to construe this claim, as to tend very much to embarrass the proceedings of the House of Lords upon bills sent from the Commons. This has never appeared to me a prudent measure; I think the House of Commons may rest satisfied with the observance of these rules, which they maintain upon the ground of ancient practice and admitted precedents. Their sole and exclusive right of beginning all aids and charges upon the people, and not suffering any alterations to be made by the Lords, is sufficiently guarded by the claims as here expressed; and it does not seem to be either for their honour or advantage to push this matter further; and, by affecting privileges which may be subjects of doubt and discussion, thereby to weaken their claim to those clear and indisputable rights which are vested in them by the constitution, and have been confirmed to them by the constant and uniform practice of parliament." I say, that upon the present occasion, it would have been infinitely better to waive any objection to the bill, on the ground of constitutional privilege, and to approach the consideration of the merits of the question—than, after urging in a speech, a claim to litigate the right of the Lords to make the amendments which they have effected, to reject the measure on its merits, and leave the public hereafter in doubt as to the nature of the course we have pursued. Do I advise acquiescence in any unjust claim urged by the Lords? By no means. I avow my readiness, if you, Sir, declare it to be your opinion, that the amendments do trench upon the privileges of this House, to bow at once to your authority. I will consent, on the ground of privilege, to reject the Lords' amendments, and then proceed to discuss the principle of the measure on its merits; but I say, do not mix up the double objection for the purpose of entrapping votes, by leading hon. members to suppose that it is necessary, in point of form, to reject the Lords' amendments. The noble lord, indeed, is furnished with objections suited to the most tender capacity; and he says to his supporters, "Choose what you please, but give us the benefit of your doubts." I ask the noble lord to concur with me in this proposition—that you, Sir, shall determine whether the amendments of the Lords do touch upon the privileges of the House or not? If you be of opinion that they do, let us vindicate our privileges—but by a more decisive mode of action than a speech even from a minister of the Crown. The noble lord founded his doubts upon the question of the invasion of privilege upon four grounds. [Lord John Russell: No.] I understood the noble lord to say so. The noble lord said, in the first place, that his doubts were excited with respect to the alteration of the amount of rent-charge from seven-tenths to three-fourths; but in a subsequent part of his speech, the noble lord discussed the policy of that alteration. The main question is, whether the measure is to be considered in the light of a supply bill?

Lord John Russell: I never wished to raise that question, but I expressed a doubt as to whether the Lords were justified in altering that part of the bill which contained a grant to the consolidated fund.

Sir Robert Peel: I certainly did not understand before, that the single point upon which the noble lord limited his doubts as to interference with the constitutional privileges of the Commons, was that of the amendments of the Lords affecting the amount of the payment to the consolidated fund. That, however, is a single point upon which we ought to have the benefit of your opinion, Mr. Speaker, before we proceed further. It is a matter of indifference to me which course the House may take; but I do not wish the discussion of the main question to be prejudiced by the introduction of another topic. If you, Sir, should be of opinion that the amended bill does encroach on the privileges of this House, I am ready, following the precedents which I have read, to act on your suggestion, and decide, on that ground, for its rejection. If, on the other hand, Mr. Speaker, you should be of opinion that no ground for doubt upon that point exists, I agree with Mr. Hatsell, that it would not be right for us to urge pretensions which we cannot support, and I will proceed to argue the substantial merits of the question. Before I call upon you, Sir, for your opinion, I will premise, that whatever may be the phraseology of the bill, I never understood, in the course of the debates which occurred upon it, that the surplus of the Irish Church revenues was to be carried to the consolidated fund, for the purpose of diminishing the burthens of the people. I heard it argued—and by no one more strenuously than by the Chancellor of the Exchequer—that the only legitimate application of that surplus was to the purposes of moral and religious instruction, and that he never would consent to appropriate it to a vote for New South Wales, for instance, or any other secular purpose whatever. If you, Sir, should be of opinion, that the grant to the consolidated fund was to be applied to the diminution of the public burthens, you will perhaps think, that our privileges have been trenched upon; if, on the other hand, you should think that the surplus was to be applied only for the purpose of moral and religious instruction, it is probable you will declare that there has been no violation of privilege. Before I proceed to consider the arguments of the noble lord, with respect to the substantial merits of the question, I think it would be a great advantage to the House if you, Sir, would favour it with your opinion on the point of privilege.

Lord John Russell: Before the Speaker delivers his opinion, I wish to state distinctly what I really did say. I said that that part of the bill which gave a portion of the tithes to the consolidated fund, might bring the question formally within the privileges of the House. I stated further, that it was my opinion the bill was not intended to grant a supply to his Majesty, and I added, that, in my opinion, the question of privilege was not distinctly raised, and that we might proceed to discuss the merits of the question.

Sir Robert Peel: I thought I heard the noble lord say, there were times in the history of our ancestors when a measure not differing much in principle from the present, was rejected by this House with indignation, on account of the amendments to which it had been subjected by the Lords. The noble lord described the manner in which the unlucky bill had been tossed by the Speaker over the table, and kicked by the members out of the doors of the House. I thought that the object of a remark of that kind was to show, that if we now were to rest satisfied with the *gemitus columbae* of the noble lord—with a mere whisper of disapprobation of the invasion of our privileges—a not very favourable comparison would be drawn between our constitutional jealousy and that of our ancestors. If the noble lord did not quote that example, I must have strangely misunderstood him; if he did, I cannot conceive for what purpose he did so, except to gain a vote on account of the supposed improper interference of their Lordships with our privileges.

The Speaker having submitted to the House his opinion on the subject,—

Sir Robert Peel said: If the lords had retained the clause relative to the consolidated fund, and altered it, I apprehend the bill must have been rejected, but the Lords have omitted it altogether. The bill did not contain a money grant, which is no longer to be found in it.

The Speaker: All I meant to say was this,—that the House of Commons, having made a grant of money upon the consideration of the bill being returned to them as it went up to the Lords, and that consideration not having been fulfilled, a question of privilege may thereby arise.

Sir Robert Peel: Then I think I may assume that the question is disembarrassed

of the point of privilege, and that I am at liberty to address myself to the merits of the question. I now therefore approach the second and more important part of the noble lord's speech—namely, the objections which he urged on principle to the acceptance of the Lords' amendments. The subject has been so repeatedly discussed, and every argument which can be used with reference to it is so trite, that I am sure I shall consult the general wish of the House by contracting my observations within as narrow limits as possible. I beg to call the attention of the House to what the amendments made by the Lords will effect. What is the arrangement made by the joint consent of Lords and Commons, which the noble lord now proposes that we should reject? The bill brought down from the Lords, would, if we acceded to it, make this arrangement on the subject of tithes in Ireland, and the regulation of the Established Church in that country—it would deduct twenty-five per cent. from the amount of tithes composition. The bill we sent up to the Lords made a deduction of thirty per cent.; and the noble lord says he can see no reason why that proposition should not have been acceded to. I may make exactly the same observation with respect to the proposed deduction of twenty-five per cent. The matter is one which, from its very nature, will not admit of close logical deduction. We have been told, that by agreeing to make a deduction of twenty-five per cent., we have consented to the alienation of church property for the benefit of the Irish landlords, and that, therefore, it is perfectly absurd in us to object to its alienation for the purposes of general instruction. But we do not consent to the deduction of twenty-five per cent., as an alienation of church property; we consent to it as a just compensation to the landlords for taking upon themselves a new liability; and if the noble lord can prove that twenty-five per cent. is too much to allow for that purpose, and that twenty per cent. is sufficient, I will vote for a deduction of twenty instead of twenty-five per cent. Doubtless, in individual cases, benefit would result from the arrangement; but, on the other hand, there would be cases of individual hardship. It is impossible to apportion what is exactly just in every case. I think that a deduction of twenty-five per cent. from the amount of tithe composition is sufficient compensation to the landlords for assuming a new liability; and therefore I vote for that proposition in preference to that which would give them thirty per cent. The preamble of the bill which passed this House, expressly recited the ground on which the reduction of twenty-five per cent. was made. It was as follows:—

“Whereas, with a view of rendering the incomes arising from tithes more certain in amount, and more easy of collection, several Acts have been, from time to time, passed for the establishment of compositions for tithes throughout Ireland; but the interposition of parliament is necessary in reference to various circumstances peculiar to that part of the United Kingdom; and whereas it is expedient to make provision for uniting and dividing benefices, and for the altering the boundaries and regulating the incomes thereof, with a view to the better distribution of ecclesiastical duties and revenues; and whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that the said compositions for tithes shall be made payable by persons having a perpetual estate or interest in the lands subject thereto, a reasonable deduction being made upon the amount thereof in consideration of the greater facility and security of collection, arising out of such transfer of the liability to the payment thereof from the occupying tenantry to the owners of such estates or interest,” &c.

The bill, as sent down by the Lords, subjects to the payment of a rent-charge, in lieu of tithes, the landlords of Ireland, and relieves the occupying tenant from any payment on that account. The person possessed of the first estate of inheritance would henceforth be subject to the rent-charge. The bill altogether removes the chance of any collision between the ministers of the Church and the occupying tenants—nay, more; it removes the clergy from all collision with the landlord, by whom the rent charge would be paid, because it provides that a public department of the government shall, until redemption (the only means by which a complete extinction of tithes can be effected), or until parliament shall otherwise direct, collect the rent-charge. The bill also provides for the review of all cures of souls in every town and city in Ireland. It further provides that there shall be a review of all the rural parishes in Ireland in which the income of the clergyman exceeds £500, and the

Protestant population falls short of 100 persons. The bill subjects the Lord-lieutenant to these restrictions, which surely cannot be considered unreasonable, that no benefice shall be increased so as to include an area of more than thirty square miles, that no rural benefice shall be increased which has already an income of £300, and that no benefice shall be reduced below £300. These are the limitations which the bill proposes to place upon the power of the Lord-lieutenant. The bill further provides that a separate fund shall be created, to be applied to these purposes, after satisfying the claims of the present incumbents—the surplus is to be applied, not to any secular purpose, but to the building of glebe-houses, and the repairing and enlarging of churches, giving the parishes from which the revenue is derived the first claim upon it. Is it unreasonable to propose that the charge of building glebe-houses should be defrayed out of the surplus of ecclesiastical revenues? The noble lord, by his bill, proposes that henceforth there shall be 1,250 benefices in Ireland, of which only 850 have glebe-houses. Thus they are, upon his own showing, 400 livings without glebe-houses in Ireland. The noble lord takes a power of appropriating glebe in any parish in which none now exists. Can there be a more legitimate application of any surplus, than that of building glebe-houses in parishes in which the minister is provided with glebe? The noble lord, in the course of his observations, depicted what must be the despair of the impoverished farmer and tenant, at hearing that a portion of the revenues of his parish was to be appropriated to the endowment of another parish in a distant town. The rule referred to applies only to rural parishes, and therefore the noble lord's case of Belfast or Dublin is not applicable. I was surprised, however, to hear from the noble lord, the author of the English Church bill, this objection to the re-distribution of ecclesiastical revenues. I thought it was universally admitted, that in cases of large benefices in Ireland, containing 8000 or 10,000 Protestants, in which the clergyman's stipend is £150 or £200 a-year, it was but reasonable to apply any surplus of ecclesiastical revenue which might arise to the augmentation of the latter. That has been the course pursued with respect to the English Church bill. I did not expect, at least, from the noble lord, such a confirmation of the objection urged against himself by the members for Durham—namely, that the legislature had no right to apply any part of the ecclesiastical revenues raised in Durham to any but Durham purposes. The noble lord, upon a former occasion, contended, that we had a right to apply any portion of the surplus of the Durham ecclesiastical revenues to increase a living in Nottingham, or any other great town, and he then felt no alarm on account of the anticipated complaints of the Durham farmers. The noble lord has referred to the omission of the appropriation clause by their lordships; but I apprehend that the main ground of that omission was the fear of touching on the privileges of this House. To preclude all doubt upon this point, I will state, for myself at least, that if the noble lord will prove the necessity for granting a sum of money to any amount for the purposes of education in Ireland, I will support it. It must, however, be distinctly understood, that any such vote will be strictly applied to the purposes of general education, upon the principles established by my noble friend, the member for North Lancashire, when secretary for Ireland. I believe the noble lord, the secretary for Ireland, has promised that there shall be strict inquiry into any alleged departure from the principles of that vote, and that the system shall not be perverted to the purposes of education in the peculiar tenets of the Roman Catholic Church. My noble friend, the member for North Lancashire, proposed that education in Ireland should be common; that since we were unable to educate the young in the principles of the Established Church, and unwilling to educate them in those of the Roman Catholic faith, we should resort to the only alternative left—an education founded upon the great principles of Christianity, without attempting to gain converts to any particular persuasion. When that proposition was made, at a time when I was in opposition to the government of which my noble friend was a member, I never hinted an objection. I knew that objections to this scheme of education were felt by many persons, and I am therefore the more anxious that the promises made to them should be rightly fulfilled. If the original purposes of the grant be strictly and inviolably preserved—if the scruples of Protestants be respected as well as those of Roman Catholics—if education be based on the fundamental principles of moral duty and the leading truths of Christianity, in

which all concur, then to a vote to any amount that might be required for the purpose, I will not withhold my consent. I, however, object to look for the means of extending education in Ireland to the alienation of the ecclesiastical revenues. It was most unfair of the noble lord to apply his illustration of the poor farmer and tenant in the way he did. The question is not whether there shall or shall not be education, but from what source money shall be obtained for the diffusion of education? The noble lord advises us to reject the bill, because it has not embodied in it the principle of the resolution adopted by the House of Commons in April, 1835, which, whatever may have been its origin, had the effect, as was intended, of removing the administration of which I was the head. Is it wise to reject the admitted improvement effected by the bill for the sake of adhering to that principle? We should obtain by this bill a reduction of twenty-five per cent. in the amount of the tithe composition; the rent-charge would be imposed upon the Protestant landlord; the occupying tenant would be relieved altogether from any direct payment; we should remove the ministers of the establishment from any conflict with the tithe-payers, by enabling a department of the government to collect their revenues; we should provide for the reform of the Church of Ireland; we should ensure the review of every living without exception, the income of which is more than £500 per annum; we should ensure the review of every living in a town; we should ensure a consideration of the state of the church and the glebe-houses; and we should have it in our power to take effectual precautions against alleged abuses, against the holding of pluralities, for instance, or of benefices with exorbitant incomes attached. All those beneficial objects we should ensure if we consented to adopt the bill as it now stands. But the noble lord says, "No, I will not; and I advise the House not to consent to these improvements—I advise the House to reject the bill as it now stands, because it does not embody within itself the principle of an alienation of church property." In the first place, the noble lord says there is a surplus. I will not enter into a calculation upon that point; it has been too frequently, and, as I should have supposed, too convincingly done before; but I deny, even upon the noble lord's own showing, that there is a surplus. Give me the 1,250 livings into which Ireland is to be divided—give me that to which the noble lord says the government is pledged—namely, the 'Church Temporalities' Bill—give me the revenues you have already established for the higher orders in the church, and I say that the stipends you propose to attach to the lower clergy are totally inadequate to their proper support. But taking your 1,250 livings even with the small amount of income you propose to apportion to each, and I deny, when these have been provided for, that you will have any surplus. But even if there should be a surplus, I, for one, must protest against the mode in which it would be obtained. The noble lord says that the other House of parliament has increased the incomes of the clergy in Ireland to £300, for the purpose of preventing a surplus; but I tell the noble lord that the course he proposed to take for the purpose of ensuring a surplus, was infinitely more objectionable. Of the 1,250 benefices into which Ireland is to be divided, each will contain within itself on an average 16,000 statute acres, and each will require that the labour and exertions of the clergyman should be extended over an area of twenty-five square miles. Can I say, then, that it is reasonable or just, when I allot to a man such duties as are here to be performed, to limit the *maximum* of his income, supposing him to have 500 Protestant parishioners, to £200 a-year? That is the *maximum* assigned by the government bill. I do say, comparing the duties to be performed by an educated and intelligent man,—looking at the expenses of his education,—looking at the public advantage which will be derived from his being enabled properly to attend to the spiritual duties of a flock so dispersed, to administer to their wants in time of famine and disease,—looking to the propriety of enabling him to uphold his own station, by the exercise of charities suited to his character and calling,—I do say, when I consider all this, and compare the emoluments derived by persons embarked in any other professional pursuits requiring the same degree of education, and the same devotion of time and talent, a stipend of £200 a-year is a most inadequate provision for the incumbents of the greater number of livings in Ireland. I might press this argument if I were proposing to found a church establishment *de novo*; but surely it applies with tenfold force when I am speaking of a church already established, and

out of the proper funds of which its clergy are to be paid. The question is not whether we shall allot to them a new means of subsistence from the Consolidated Fund, but whether, for the purpose of creating a surplus, we shall impose on ourselves the painful necessity of allotting a miserable stipend to those who now possess their incomes by as ancient a prescription as any by which the rights of property are guarded? The noble lord asks, if we reject this bill, and make ourselves responsible for the non-adjustment and non-settlement of the question, what hope can we entertain of any future satisfactory and peaceful settlement? I will tell the noble lord that I cannot entertain hopes of satisfaction or of peace, if I acquiesce in the settlement proposed by him. He must see, he must read, the declarations of many hon. members on his own side of the House; and, after seeing and hearing those declarations, is it, I would ask, rational to believe, that the Roman Catholic occupier or tenant, who is called upon to pay a sum of 5d. as a charge in lieu of tithe, will be perfectly satisfied, after un-settling the question in this manner, to pay 4d. out of the 5d. towards the maintenance of the Established Church? Does the noble lord believe, that the Roman Catholic will pay this sum with satisfaction and entire accord, because the other penny is to be devoted—to what purpose? to an immediate provision for education? No, not at all. The claim of all existing incumbents must, in the first place, be provided for. Then, is education necessarily provided for at all? Not in the least. It is from the Consolidated Fund we are to provide for education. The bill enacts that the penny shall be devoted to repay to the Consolidated Fund what we may have advanced for the purposes of education. The question is, are the rights of property, which rest upon ancient prescription, to be held secure—and is it to be believed that, if we acquiesce in the principle that the church has not a right to the property, there will not be a similar unwillingness to pay the four-fifths of the demand after the other fifth has been given up? I cannot conceive upon what ground, after having conceded this principle, we can expect such an acquiescence; it is not the amount of the sum taken from the church which I consider; that is not the chief ground of my objection; it is this—I object to any alienation on account of the objects proposed by this bill, as I conceive such an alienation to be pregnant with danger. My objections are infinitely greater to the principle of alienation, and to the mode in which it is meant to be applied, than to the amount of it. I can conceive that in some great national calamity, we might be justified in taking from men part of their property, against the usual course of law. In time of war there have been forced contributions—the inhabitants of a town may have been required to pay a specific portion of their property; that may be a hardship and an injustice; but when the demand is limited and definite, and the remainder is left clearly and unquestionably the property of its owner, then we have at least this protection, that the tyrant's plea—an overruling necessity—has been the only justification which could be offered for the alienation, and that until such a necessity again occur, there will be no repetition of such an act. But here no necessity is pleaded; the sum of £50,000 which is required, may be taken from some other source. Here, contrary to the case of a forced contribution, no specific demand is made; you do not say to the church, we require from you a sum of £50,000 or £100,000 a-year, and the occupier shall still continue to regulate his own concerns and possess the remainder of his property, but you lay it down as a principle, that, after providing for the spiritual wants of the Protestant population of Ireland, the whole of the remainder shall be delivered up to the people of Ireland. In what position do you then place that portion of these revenues which is to provide for the spiritual wants of the Protestant population of Ireland? Who is to estimate the amount that will be required to provide for these spiritual wants? The amount will vary with every administration. It may vary with every majority. The present administration consider £300,000 sufficient for this purpose, and that the remaining £60,000 or £75,000 ought to be devoted to purposes of education. The moment that the rights of property are disturbed, there is no knowing where we can stop. I contend not against the amount proposed to be alienated, so much as I do against the principle its alienation establishes, which affects, as I think, the independence of the Church of Ireland, by subjecting it to the control of a committee of the Privy-council, who are indefinite in number, and holding office at the will of the Lord-lieutenant. I will say, that my main objection is to the principle involved in the bill, to the nature of

the dependence which it establishes, and to the perfectly undefined nature of the demand it authorizes. The noble lord (John Russell) says, that he relies much on the force of popular opinion in support of this measure. As far as we have had any means of ascertaining the bias of public opinion, since the question was discussed in 1835, it is not in confirmation of the noble lord's assertion. The government is in office, and whatever influence office confers is in favour of the principle. There have been several vacancies in the representation, and I will ask, Have the constituencies decided in favour of this principle? We have had attempts at the settlement of the tithe question in Ireland, supported by vast majorities in the House of Lords. We have had the same attempts supported by a powerful minority in the House of Commons, approaching, within twenty-six on the last occasion, to the majority which decided in favour of this principle. The opinions of the two branches of the legislature are therefore divided, and the opinions of the two parties in the House of Commons very nearly approximate. We have had since that principle has been embodied in the resolution adopted by the House, independent of vacancies on account of office—we have had thirty-one vacancies in this House. When that resolution was voted in April, 1835, the occupiers of those thirty-one seats, if my recollection be correct, voted in favour of the principle in the proportion of twenty-one to ten, being more than a clear double. If I mistake not, the representatives of these thirty-one seats having been changed, did, on the last, or would on the present occasion, vote in the proportion of sixteen to fifteen. Thus, they are as nearly as possible, equal, instead of remaining more than double. I do not think, therefore, considering these indications of public opinion by the intervening elections—considering that this bill, which we all must admit to be a great improvement of the present system, is sent down to us from the House of Lords—and considering that it is in consonance with the opinions of a very powerful minority in this House, a minority approaching, in point of number, within twenty-six of the number which voted for the settlement of this question on another basis, I cannot see the full force of the exultation of the noble lord, that we are bound in honour—that the majority is bound in honour—to an adherence to the former principle embodied in the resolution, and to reject this attempt at a settlement, because it does not contain all that that majority voted for. Is there anything embodied in this bill which calls upon hon. members opposite to express opinions in direct contradiction to the principle of their own resolution? Are we called to retract those principles? This bill does much good—as much as is found to be possible. Are we, then, prepared to reject it because it does not go further? The noble lord does not in general act in conformity with a doctrine so prejudicial; he considers it compatible with sound policy, not being able to effect all the good he desires, to grasp at what is offered, and to leave for future discussion what he cannot now obtain. Why, then, do not hon. members opposite take the same course? If they do not think that there will be a clear surplus,—if they doubt that any surplus will exist for many years,—why should they insist upon the practical enforcement of the principle of appropriation? They should rather consent to attain a great degree of practical good, not assenting to the abandonment of the principle of appropriation, but reserving the practical enforcement of that principle to a future occasion, when the necessity of settling the question may arrive. If there be not any surplus, and if the occasion for the practical enforcement of the principle have not arrived, is it, I would ask, consistent with the policy of prudent and wise statesmen to reject attainable good, because the shadow of some future good cannot be obtained? I object to come to such a resolution. But it is said, that the House is pledged to reject this measure, as it does not embody the principle of the resolution which it has adopted, unless we are at the same time prepared to reject that resolution. We have had many warnings of the danger of establishing abstract principles before the time comes for their practical enforcement. But hon. gentlemen will make their vote on this question, not one of practical consideration, but the consideration of a point of honour! I know that amongst honourable men this is a point sometimes much more insuperable and difficult than the consideration of what is right. I protested against the resolution at that time, as shutting out the means of retreat, as depriving us of an opportunity of considering what, under present circumstances, is the best course to be pursued; and I must say, that my subsequent experience has only confirmed the



truth of the objections I then took. The noble lord (John Russell) contends that the settlement of the question, as provided for by this bill, will be for the benefit of the Church of Ireland, and I consider that in passing this bill we shall be giving a security for the collection of the revenue of the church. The noble lord has also reminded us of the American war, and of the concessions consequent thereon, then made to the inhabitants of the United States; but the question to be considered is, whether the same principle which dictated these concessions applies in the present instance? Either the demand is in itself reasonable and just, and ought to be conceded—or, if not reasonable and just, then the analogy from former concessions does not arise. When the noble lord (Russell) was asked to consent to repeal the Union, he was told that public opinion in Ireland was in favour of that repeal—that the cause of Catholic emancipation had been carried by public opinion—and that the repeal of the Union would be effected in the same way. The noble lord considered whether or not the demand was reasonable and just, and whether, unless he acquiesced in the demand, the same system of agitation would be again pursued. The noble lord found that this concession was not demanded by the people, and he resisted it. But the noble lord says that this bill is for the benefit of the church. The noble lord's opinions do not meet with the concurrence of the high authorities who are combined with him in the administration. Last year, when this bill was brought forward in the House of Lords by the chief of the government, that noble lord did not urge the acquiescence of the House of Lords in that bill, on the ground that it gave additional security to the church. My noble friend, the member for North Lancashire (Lord Stanley), has quoted a passage from the speech of the noble Viscount (Melbourne), of which the noble lord opposite (John Russell) seemed to doubt the correctness, but that speech was revised and corrected. It has never been denied but in juxtaposition with the opinion of the noble lord (John Russell) as to the security which this measure added to the Church of Ireland, and partially in vindication of the grounds he had taken;—I will repeat that passage from the speech of the noble Viscount (Melbourne). It is as follows:—"I am deeply sensible and much concerned at the impression which I feel this measure is likely to make. I cannot conceal from myself that it will, in the first instance, and for a certain time, be a heavy blow and a great discouragement to Protestantism in Ireland, and that also it will be a great triumph to the adverse party. I admit that for an interval of time there must be great alarm and danger, which must necessarily attend and accompany such mighty and fundamental changes, and that shocks and convulsions must occur, which may render doubtful the safety not only of the established church, but of the constitution itself." And seeing the soreness which the bill caused with respect to the Protestant Church—seeing that the removal of the civil disabilities, so far from rooting up prejudices, has not increased the security of the church—I greatly doubt the justice or the policy of giving this "heavy blow to Protestantism in Ireland." If that blow be inevitable, this I know, that we shall be much more likely to take some security against its prejudicial effect by resisting the cause of it, and standing erect to meet it, than by giving it vigour with our own arms. If that heavy blow must be given, my hand at least shall not impel it. If the cheer of adverse triumph must be raised, our voices shall not swell the shout. If the pillars of the church and the stability of the constitution itself must be shaken and convulsed, then, seeing no necessity for this injustice, I protest against the policy of it, and refuse to be a party to it. I move, as an amendment, "That the Lords' amendments be now taken into consideration."

After a long discussion, the House divided on the original question, which was agreed to. Consideration of the amendments postponed for three months. On the 20th of August, Parliament was prorogued till Thursday the 20th of October.

## ADDRESS IN ANSWER TO THE KING'S SPEECH.

JANUARY 31, 1837.

Mr. Ashford Sanford moved the adoption of an Address in reply to his Majesty's speech at the opening of the Session.

SIR ROBERT PEELE spoke as follows :—I think I am justified in inferring, that it was the intention of his Majesty's speech, or rather of the address, to avoid provoking, on the first day of the session, any lengthened—at least any acrimonious—discussion on the matters to which it refers. Various topics are alluded to—topics which must demand our attention; but I observe in the address an avoidance—I think a studious avoidance—of any pledge with respect to that course which we shall take in regard to those topics. I rejoice, therefore, in being able to give my assent to the address—at least to give so far my assent to the address as not to feel myself under the least obligation to move any amendment to it. I think that is the proper course to be pursued on the first day of the session. I think, considering the short opportunity that there is for those who are in opposition to the king's government, or who have not access to the speech before it is delivered, to know what are the topics introduced into it, that it is infinitely fairer to indicate the topics to which our attention will be called during the session, without calling upon us for any premature pledge as to the course we shall pursue, and which we are not prepared to give. If the practice which has been adhered to for the last twenty or thirty years should be departed from, and if on the first day of the session we should be invited to enter into any acrimonious discussion, or be called upon to assent to any premature propositions, then that custom which formerly simultaneously prevailed, of making known the king's speech and the nature of its propositions two or three days before it was delivered, ought certainly to be adhered to also. As it is not necessary for me to move an amendment, and as it appears to me to be the prevailing wish of hon. members—judging from the conversation which has been going on amongst them during the many speeches that have been delivered, and which conversation I am sorry to say, notwithstanding the reform that has been made in our edifice, has been to me as audible as in former days—believing, I say, that it is the wish of the House to avoid a lengthened discussion, I shall, in conformity to that wish, and seeing no advantage in any preliminary or partial discussions upon important matters which are shortly to occupy our attention, imitate the reserve of the speech itself, and follow the example of those who have preceded me—claiming for myself the right of hereafter discussing unfettered, and without any pledge, all the topics alluded to in the speech—and shall avoid saying anything which can provoke discussion on the present occasion. The only amendment which has been offered to our notice, relating to a matter which must have provoked much discussion, has been withdrawn; and the only comments which have been made on the speech are those which fell from the hon. member for Derbyshire (Mr. Gisborne), who was surprised that so much of the speech was occupied with what referred to joint-stock banks. That observation convinced me that the hon. gentleman had never been in a cabinet council, because when a cabinet council was held to draw up a king's speech, which must occupy a certain time in the delivery, but which at the same time must be so framed as to avoid discussion, the question of joint-stock banks was one of the most prominent that could be selected. But if the hon. gentleman will look at the terms in which that subject is treated of, all anxiety on his part, I think, would be removed; for he may safely rest on this announcement, that “the best security against mismanagement of banking affairs must ever be found in the capacity and integrity of those who are intrusted with the administration of them.” I suppose this does not refer to the mental capacity, but to the solvency of the parties; or the term “capacity” may be taken in a double sense, and include the substantial as well as the intellectual vigour of the parties. The pledge, however, which the hon. gentleman shrinks from is this—“But no legislative regulation should be omitted which can increase and ensure the stability of establishments upon which commercial credit so much depends.” If he therefore thinks, that no legislative regulation can increase and ensure the stability of establishments upon which commercial credit depends, he may feel himself safe as far as concerns the pledges contained in that part of the address. The only topic to which I shall refer is that which relates to our foreign policy, and this not with a view of provoking any discussion—not with a view (as I wish to avoid discussion) of condemning it, but only to reserve to myself the same power with respect to our foreign policy as I have already done with reference to our domestic policy, namely, that of being unfettered by any pledge to what may in a future discussion seem to me to be open to objection. The expression I allude to in

the speech is this:—"His Majesty laments that the civil contest which has agitated the Spanish monarchy has not yet been brought to a close; but his Majesty has continued to afford to the Queen of Spain that aid which, by the treaty of quadruple alliance of 1834, his Majesty engaged to give if it should become necessary; and his Majesty rejoices that his co-operating force has rendered useful assistance to the troops of her Catholic Majesty." I recognise the fair claim of the Queen of Spain to the sympathies of this country. The Queen of Spain is the ally of this country. She was recognised by the government of this country with which I was connected, as the legitimate Queen of Spain, before the quadruple alliance. I reserve the expression of my opinion with respect to the policy of that quadruple alliance. But there are two questions perfectly distinct; first, whether the engagement which we have entered into ought or ought not to have been entered into; and next, whether that engagement being entered into, and the national faith pledged to it, ought that treaty to be faithfully and honourably fulfilled? I say it ought. I say that the question as to the original policy of this country entering into that treaty, is entirely distinct from the question as to the practical execution of it. It is true, as the noble lord opposite on a former occasion stated, that the Duke of Wellington and myself, during the short period the administration of the country was in our hands, while expressing serious doubts as to the policy of the original engagement entered into by that treaty, yet felt ourselves bound, not merely technically to adhere to the letter of the treaty, but earnestly to see it executed in the spirit in which it was conceived. His Majesty informs us, that he "has continued to afford to the Queen of Spain that aid which, by the treaty of quadruple alliance of 1834, his Majesty engaged to give if it should become necessary." I can say, with perfect truth, that I heard with satisfaction that the king had given that aid to the Queen of Spain, which he had stipulated to give her if it should become necessary. I must also say, if this country, in the execution of a treaty, the original policy of which I may condemn, does afford aid, that when that aid, whether of British seamen or British soldiers, is given, I never can refuse my sympathy to those gallant men, nor fail to rejoice in their success. But the expression of the address is, "we rejoice that his Majesty's co-operating force has rendered useful assistance to the troops of her Catholic Majesty." Now, I take it for granted that the object of the king's speech was to state to us this—"I stipulated to give a certain force; I have given that force, and that force has been successful." The force we stipulated to give was a naval force. The granting the assistance of a naval force, evidently does not admit us to interfere with respect to any civil dissensions, or any internal constitutional questions, which a stipulation to grant a military force would seem to imply. And, therefore, I take it for granted that this part of the speech is literally correct, and that the aid given has been in conformity with the treaty, and nothing more; that it has been that naval force which we stipulated to give. Because, although I agree that that treaty ought to be executed in a generous spirit, yet I still shall on the strongest grounds protest against any construction being given to that treaty which the terms of it do not warrant, and against our being involved, beyond the obligations of that treaty, in the internal dissensions of the Spanish nation. I think that is the prevailing opinion of the majority of this House; and that we ought to watch with the utmost care and circumspection—whatever our opinions may be about monarchical or democratic governments—that a dangerous principle and precedent be not established; but which must be the result, if we once begin to adopt a system of interference with the internal quarrels and dissensions of other countries. Who can undertake to limit the application of that principle to a question of constitutional government, if we establish a precedent of which despotic countries may avail themselves? They may say they have as much right to interfere with the civil dissensions of Spain for the purpose of maintaining arbitrary government, as we have for maintaining constitutional government; and then there would be an end to the peace and repose of Europe. Such may be the consequence of our setting a bad example, by extending the limits of the treaty for the purpose of involving ourselves in these internal dissensions. Therefore I give my assent to that portion of the address, assuming that the statements of it are in strict conformity with the treaty, and that the co-operating force referred to may merely be considered that naval force which we undertook to give. It is impossible to look to the very next paragraph of

the speech without deriving a useful lesson as to the danger of our interfering with the civil matters of other countries. The paragraph I allude to refers to Portugal. In 1837 we express our regret that "events have happened in Portugal which for a time threatened to disturb the internal peace of that country." In 1834 (three years previous), after our influence, or, as it was called, moral influence, had been completely successful in effecting a revolution and establishing the present dynasty in Portugal, what were the terms in which his present Majesty addressed this House?—"I have derived the most sincere and lively satisfaction from the termination of the civil war which had so long distracted the kingdom of Portugal; and I rejoice to think that the treaty, which the state of affairs in Spain and in Portugal induced me to conclude with the King of the French, the Queen Regent of Spain, and the Regent of Portugal, and which has already been laid before you, contributed materially to produce this happy result." That happy result! But in 1837 we are aware of the fact that we have, I believe, six sail of the line in the Tagus, after that happy result has been produced, for the purpose of what?—for the purpose of defending the Queen of that country from possible personal attack on the part of her own subjects; and also for the very laudable object of doing what?—of rescuing the English residing there from the dangers with which they are threatened. Now, is that the happy result of our interference? Six sail of the line is a considerable force; either, therefore, that country is unsettled, or English life and property are in danger. Either one or the other, or both, is the case. I take the simple facts, and then I ask, is not that a conclusive proof that, after all our interference, we have not obtained a single object—neither that of establishing the government of the queen, nor of increasing English influence in Portugal? But I will put aside the question of principle altogether, and ask you to look only as a matter of experience to what this ought to teach us as to our future policy. What is the advantage we have gained in Portugal? How ought we to reason, from the result of our policy with respect to that country, as to the probable issue of our conduct with regard to Spain, when we consider that, some three or four years after his Majesty's government had pronounced eulogiums on the happy result of our policy in establishing the government of the Queen of Portugal through the influence of our arms, she is unable to command the affections of her subjects, while England has no alternative but that of again resorting to force, and of, in fact, becoming responsible for the civil government of that country? One main object we had hoped to realise from the quadruple treaty was, to be on terms of good understanding with France. But if what the hon. gentleman (Dr. Bowring) has stated be true, it is evident that the object of that treaty—namely, the formation of an intimate union with France—has not been realised. I will not longer detain the House, but reserving to myself the right of considering hereafter the whole policy, domestic and foreign, alluded to in the speech, I again say that I give my assent to those paragraphs in the address which I have particularly mentioned. I do so because I think the Queen of Spain—I avow it—is fairly and fully entitled to our sympathy, and to an honourable performance of the engagement which we have entered into with her; and as this honourable engagement has called for the active interference of a British force, I cannot withhold my expression of admiration at the gallantry of my countrymen, and that, as they have interfered, I rejoice that their interference has been successful.

Motion for the address agreed to.

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## JOINT STOCK BANKS.

FEBRUARY 6, 1837.

The Chancellor of the Exchequer having moved for the renewal of the Committee on Joint Stock Banks,—Mr. Hume moved as an amendment, "That there be an inquiry into the state of banking, and the causes for the changes of the circulation since 1833."

SIR ROBERT PEEL felt it his duty to support the motion of the right hon. the Chancellor of the Exchequer. It was certainly of great importance to the commercial and banking interests of the country, that Parliament should at an early period of the session pronounce a decisive opinion as to whether or no it could interfere with them,

by proposing any new restrictions on joint-stock banks; and if Parliament decided that it could so interfere, it ought to make known with as little delay as possible what would be the nature of those restrictions, because the very suspense of the question was pregnant with almost as much evil as unwise legislation upon it could be. A committee had been appointed, witnesses had been examined, but the committee had informed the world that it had not time to conclude its inquiries, and therefore it proposed to renew its inquiries; and now the consequence was, that no one could determine that he might safely enter into a connexion with any banking establishment—not because his prospects of the new regulations might materially affect his speculation, but he would be unwilling to engage in it while such an inquiry was pending. It was, therefore, highly necessary that Parliament should, without delay, decide what could be done, and what it intended to do. He was, therefore, unwilling to devolve on the committee more than was necessary for the object of inquiry: if the inquiry were to be carried out into every branch of banking affairs, and into the *minutiae* of the currency question, they might go on *ad infinitum*. If they were to appoint a committee to investigate the operations of the whole of the English banks, the Irish banks, the Scotch banks, public banks, private banks, joint-stock banks, and all the various banks in the kingdom, there would be no end to the inquiry, there would be no one subject settled, and no pretext would be wanting for postponing a decision. Therefore, while he was for a full inquiry into the subject, he would have it limited to a special object. There were two propositions before the House besides the original motion. There was the proposition of the hon. member for Middlesex to multiply the objects of inquiry; and there was the proposition of the hon. member for Derbyshire, which went to deny the right of the House to make any inquiry into the subject at all. To neither of those propositions could he give his consent. He had already stated the reasons which induced him to oppose the motion of the hon. member for Middlesex. To the principle involved in the proposition of the hon. member for Derbyshire he could by no means agree. The hon. member for Derbyshire contended, that as it was generally allowed that Parliament ought not to attempt to instruct or control persons, generally, in the management of their own business, so it ought not to interfere with the management of joint-stock banks. But the cases were widely different. Parliament had already interfered with reference to joint-stock banks, and having so interfered, it was entitled to carry that interference further. If the persons who were engaged in joint-stock banks were to be considered the best judges of the manner of carrying on their own business, why had Parliament restricted them in various ways? Why were they prohibited from issuing five-shillings or half-crown notes? The moment that Parliament interfered with them in one respect, it acquired the right or contracted the obligation to interfere with them in any other respect in which such interference might be considered advantageous to the public. No one could deny, not only the right, but the sound policy and justice of acting on this principle. For instance, could any man doubt that the recent transactions of the Northern and Central Banking Company justified an inquiry into the nature of those transactions? Where a company had been invested by the legislature with the power of coinage, or with the power of issuing money—a power affecting the interest not merely of the shareholders, but of those who took their notes—and when that company was found to have made an application to the Bank of England, and to have declared that they should be ruined unless the bank advanced them a hundred thousand pounds, surely that was a very different transaction from a speculation in sugar or tobacco. The moment that the legislature devolved upon any body of men the power of issuing money (a power absolutely regal in its character), that moment it acquired the right of taking care that the interests of those whom such a proceeding affected, should be protected. The hon. gentleman opposite said, that no one could doubt the disinterested and judicious conduct of the directors of the joint-stock banks. He doubted it. He had not so much confidence in their wisdom as the hon. gentleman had. The hon. gentleman opposite had spoken of two banks that had been well conducted. But could the regulations observed by those two banks be enforced on others? Look at the report of last year, and let any man say whether he could place implicit confidence in the sagacity of joint-stock banks. It appeared that the managers of one of them stated, that every year they had large dividends, they had great profits, but though they had bad debts to the amount of £20,000 or £30,000, they never took

any account of them, and their shares were at a premium of ten per cent. How did that state of things arise? By the power which Parliament had conferred upon the parties. The difficulty which private banks felt in conducting their business proved that fact. He would not say any thing of the wisdom of that course, but having given such a power virtually or directly, legally or practically, they ought to inquire into the operation of it. Then, another hon. gentleman had gone to the other extreme; he had said that all inquiries were good, and, so far from denying to Parliament the right of inquiry, he was for carrying it to the fullest extent. While one hon. gentleman deprecated all inquiry, the other wished to have an inquiry into everything, not excluding the affairs of the Bank of England itself. Now, with regard to the conduct of the Bank of England, as far as its relations to the government were concerned, that had been recently the subject of two inquiries. He recollected sitting on a committee, three years since, day after day, which was appointed for the purpose of inquiring into the whole of the transactions of the Bank of England as far as they related to the government, and, in consequence of that inquiry, the bank charter was extended, and he apprehended that no man intended to propose to revise the bank charter. But they had a right to ascertain in what manner it would be affected by the subject of inquiry. Even then, there would be no necessity, he would venture to say, to go into that part of the operations of the Bank of England which related to the government, or any of its operations, only so far as joint-stock banks were concerned. If, in course of investigation, it should be stated, that the Bank of England, and not the joint-stock banks, had caused certain evils, then it would be difficult for the Bank of England to resist any further inquiry as to the truth of that statement. The permission to joint-stock banks to pay in Bank of England paper instead of gold, might be very proper and profitable or not, but, as far as the inquiry had gone, that question did not appear to have been put. That might be because the committee had not sufficiently performed its duty, or had not thought it necessary to inquire. [Mr. Hume had himself put the question to a witness, who had objected to it.] If such a question were put and objected to, nobody could deny the power of the committee to enforce an inquiry into the subject. The question was not, whether the power given to joint-stock banks to pay in Bank of England paper diminished or extended credit, but whether it had not a tendency to increase the danger to credit, and whether the evil concomitant with making fluctuations in the value of money, was not a greater evil than the facility of doing it could be beneficial? Although he must contend that every relation of the Bank of England with joint-stock banks must be, as far as necessity required, intruded upon, he should vote for the original motion, dissenting, as he did, from both amendments. The hon. and learned member for Kilkenny reopened the whole question; but the bill of 1819 had been so often discussed, that he should decline entering upon it on this occasion. He should only refer to one position which the hon. and learned gentleman had taken up, namely, that it was very wise in times of prosperity to look forward to times of difficulty and danger. He would just remark that the evils, if evils had arisen, were not to be attributed to the bill of 1819. If they chose to have a large quantity of convertible paper, and then to have a metallic standard, whether gold or silver, or both conjointly, they could not have a large mass of paper converted into a metallic standard without the risk of a reaction. But the reaction that followed the bill of 1819 was not the effect of that bill, but of the foreign exchanges, and, whatever might be the present prosperity, or the future adversity, they were bound to look at the foreign exchanges; and if they did, they could not help looking out for the time of possible danger. If the hon. gentleman meant to have a paper currency to an indefinite extent, and not to have it convertible at all, then, perhaps, there would be no necessity for his looking out for times of danger. But even then his hope of eternal prosperity would be very delusive, for there would be a progressive rise in prices, and a progressive decrease of trade, so that not looking out for danger would not be the way to avoid it. With regard to the evils of the bill of 1819, he never denied the extent of individual distress occasioned by it, and he had never contemplated that distress without regretting the serious injuries that ensued; but he thought the system which rendered that bill necessary, and not the bill itself, ought to be made responsible for those evils. He did not believe any measure was ever proposed which was so conducive to the comfort of the labouring classes, as that

which compelled those who employed them to pay them their wages according to a certain fixed standard.

The House divided on the original motion :—Ayes, 121 ; Noes, 42 ; majority, 79.

## MUNICIPAL CORPORATIONS (IRELAND).

FEBRUARY 8, 1837.

In the adjourned debate on Lord John Russell's motion, for leave to bring in a bill for the regulation of Municipal Corporations in Ireland,—

SIR ROBERT PEEL said, I should infer, Sir, that, as it is not intended to take the division in this stage of the proceedings, it might suit the general convenience that the debate should be brought to a close. If I am wrong in that impression, I am perfectly ready to give way to what may be the prevailing opinion respecting the adjournment. But if the general wish is that this debate should be brought to a close, I am ready so far to give effect to that wish, as to make now the few observations which I have to make. I say the few observations, because I am almost ashamed to rise after the speech of my right hon. friend who sits on my left hand, and after that attempt at a reply heard from a minister of the Crown. I know and I respect the ability of that right hon. gentleman—and what inference do I draw from his failure? Not that his powers have deserted him, but that he felt the utter impossibility of contending with the speech which he followed, but which he did not attempt to answer. I have been rather surprised by the course which this debate has taken. His Majesty called our attention, in the Speech from the Throne, to the state of Ireland. He especially commanded the commissioners to bring under our notice the state of Ireland, and the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom. His Majesty recommended an early consideration, in the same sentence, of three great measures—the constitution of the municipal body in Ireland, the question of the church, and the question of the application of poor-laws to Ireland. And when the noble lord intimated to us that he did not intend, in moving for leave to bring in the Municipal Bill, to confine himself to the discussion of the abstract merits of that question, but would enter into the general question of the state of Ireland, I took it for granted it was his intention to take a comprehensive view of the condition of that country, and to afford us an outline of each of the three great measures alluded to in his Majesty's speech. What, however, was the course which the noble lord the leader of the House of Commons took on opening the subject? He fixed on a resolution which had been passed by a body of gentlemen, in Dublin, who had met to petition parliament. He concealed from us every thing which he intended with respect to the church—he concealed from us every thing which he intended with respect to poor-laws—but he provoked a discussion on the 14th resolution, which had been come to by a number of gentlemen who thought they might with safety exercise the humble privilege of petition. He knew the petition was to be presented to the House—for that appeared on the face of the resolution—but he would hardly wait till it was signed, before he made an attack on it. He knew that the proper time for making any charges with respect to those resolutions was when the petition should be presented; but he took the opportunity of introducing the Municipal Bill, to accuse those who had attended the meeting, but who were not yet prepared with a petition, of making charges against the ministry, which they shrunk from supporting in their places in parliament. The noble lord had received an answer which he little expected. "You deal in general, in vague declamation," said the noble lord; "no facts have you to mention, not one: I challenge you to come forward with the details, and I will brand you with disgrace, unless you produce your facts." Well, four hours did not elapse before the discussion became very inconvenient; and then the House was told, that it would be infinitely better to confine themselves to the great question, which was the proper object of our debate—that the detail of small facts was more inconvenient than a statement of general principles—and we were implored to return to that which was the legitimate subject for our consideration, viz., the Municipal Bill. There were facts in abundance. The resolution complained of was this—that patronage had been so applied, and the prerogative of

mercy so exercised, as to shake confidence in the administration of justice. Well, the facts were brought forward, by which that general allegation was supported, and a tender was made by those who did bring them forward, to prove them before any tribunal which the House of Commons should choose to appoint. It was said, "We assert that persons have been placed in a situation, who, however respectable in private life—who, however eminent in certain attainments of a lawyer—have still not that professional standing which entitled them to be placed over the heads of other barristers of superior qualifications; and the consequence of that undue advancement has been, that in a situation of the utmost importance—more important than the ostensibly responsible situation of Attorney or Solicitor general, because the influence is greater, the attendance is more constant, and the duties more unseen,—in that situation of confidential advice, has been placed an individual who has taken an active part in the association now existing in Ireland." That was one fact; and it was offered to establish it before a Select Committee, fairly and impartially constituted. "A Select Committee!" say they; "Oh no—you cannot have a Select Committee; these things are not fit for inquiry before a Select Committee. Move an impeachment; an impeachment is the only course." What! an impeachment to inquire whether, in discharging by wholesale prisoners from gaol, Lord Mulgrave has exercised wisely the prerogative of mercy?—to inquire whether Mr. Pigott was, under all the circumstances, a proper individual to be appointed confidential adviser at the Castle? Let me ask, is there no possibility of questioning any act of a minister of the Crown, or of a member of the government, but by going through the cumbersome process of an impeachment? Must the noble lord, the Lord-lieutenant of Ireland, or the noble lord the Secretary for that country, be put on the footing of a Strafford or a Laud, or will he not condescend to answer the objections that may be made to his conduct? It must surely be by a Select Committee, and not by impeachment, that we can inquire whether Lord Oxm Newtown appointed Mr. Cassidy to the magistracy prior to or subsequently to the occurrences which induced Lord de Vesey not to recommend him to the commission of the peace for the Queen's county. Do you mean to resist the inquiry into these facts? Do you mean, after resting this debate on the 14th or 24th resolution that was come to at the meeting in Dublin—do you mean, after saying, "Those allegations and vituperations are unfair, and let us have facts—facts with which we can deal, and to which we can reply"—do you mean, after this, to turn round and tell us, that "Nothing but impeachment will do: we are so convinced of the high dignity of our situation, that we will yield to nothing but an impeachment; nothing short of an impeachment will satisfy us?" Why did not the noble lord take the most statesman-like course of entering on the state of Ireland?—[Lord John Russell: I did so.]—Yes; but the state of Ireland into which the noble lord entered, was that from which the church question was excluded—was that from which the question of poor-laws was excluded. The noble lord's performance was an improvement on the provincial performance of which we have heard; for it was the play of *Hamlet* with both the parts of *Hamlet* and *Ophelia* omitted. You tell us, because we refuse to apply the same principle to Ireland, in respect of municipal institutions, that we have applied to England, that we are inflicting wrong, and offering insult to the people of Ireland. Now, let me ask you, do you intend to apply that rule to the other measures? Do you, having made certain laws with respect to the Church of England—do you, having passed an Act of Parliament which granted the incorporation of the Church of Ireland with the Church of England—do you mean to apply the identical principle of legislation to the Church of Ireland, which you have applied to the Church of England? If you do not, on what ground do you refuse? Is it not that there is a peculiarity of circumstances—is it not that there is a peculiarity in the state of society in Ireland, which justifies the application to that country of a different principle? If that be true with respect to the church—if it be not an insult to Ireland to apply different principles on account of different circumstances—let me tell you, you are not to take it for granted that a refusal to acknowledge an identity with regard to another measure is an insult to the people. Do you mean to apply the same principles to Ireland as you have acted on in England, with respect to the poor-laws? That is an important subject, affecting the interests, the sympathies, and feelings of as great a number of human beings as the Municipal Corporations Reform, or almost any other



political question which can be mooted. The law of England is, that every person born in the kingdom, who is old, blind, maimed, or otherwise impotent, is entitled to relief from his parish. Do you mean to apply that law to Ireland—you who talk so loudly of identity of legislation? I fear you do not. I know many among those who clamour the loudest about justice and equal laws, are the most forward to charge us with insulting the people of Ireland, and the most active in crying out for redress—who shrink within themselves when poor-laws for Ireland are the subject of discussion. Poverty and impotence are not entitled in their eyes to the same identity of legislation as political partisans. On this point they show themselves in their true colours; and the principle of identity, as far as the right of the poor to relief is concerned, is denominated by no more soothing appellation than “a great humbug.” When we ask these clamourers for equal laws and justice, Why do you refuse to support your poor on the same footing as the poor in England are supported? and tell them to do so in perfect accordance with their own principle of identity of legislation, they answer us, and say, “Ireland is differently circumstanced from England; the whole question depends upon circumstances; it should be left open to them.” The noble lord should have told us his intentions with regard to poor-laws for that country as well as tithes; and I maintain that he cannot justly call on the House to pass the bill for which he has moved, respecting the municipal corporations, without letting us know what his measures on those two points will embrace. With respect to poor-laws for Ireland, see for a moment what the operation would be on this measure. In England, the right of voting depends not on the value of the house in which the voter lives, but on the payment of his rates—in which are included, of course, the poor-rate. Now, before you offer us the Municipal Corporation Bill for Ireland, do you refuse to give us any explanation on the subject of the connexion of rating with the right of voting in towns in Ireland? Do you mean to say, that those who are rated to the poor-rate alone shall have the right to vote, or that that right shall be derived solely from the value of the tenement occupied by the inhabitant of the town? In either case, do you mean to submit the municipal bill to the committee before you give any explanation of your views on this most important question? The country longs for an answer. My right hon. friend (Sir J. Graham) on my left, has so fully entered into all the subjects broached in the collateral discussion which was invited, provoked, and compelled, by the noble lord opposite, that he has spared me the trouble, and precluded me from the necessity of proceeding at any length with it. He has, in short, anticipated me, and left me very little to say on them. The two main questions, however, broached in the resolution which the noble lord has made the basis of the discussion are, whether the patronage vested in the Irish government has been properly exercised; and whether the royal prerogative of mercy, placed in the hands of the Lord-lieutenant of Ireland, has been rightly applied. By far the greatest matter connected with the former, was the appointment of Mr. Pigott to the situation of confidential adviser at the castle. Mr. Pigott, from all I have heard, is a respectable man; but I contend that his appointment was improper. Do you think that I object to it because he is a Roman Catholic? No; far be it from me to do so. I object to it because it shows the *animus* which actuates the government, and because it is a direct encouragement and sanction to the association now sitting in Dublin, that gentleman being an active member of the body. The right hon. gentleman opposite (Sir J. C. Hobhouse) asks me what course I shall pursue when I receive that appointment, of which I had not the slightest expectation until the right hon. gentleman spoke. To this I answer, that as I doubt his authority to confer that appointment on me, I also doubt his right to catechise me on the results of a contingency which, until this night, I thought of all other things was the most remote. And now, what between the funeral speech of the right hon. gentleman—the song of the dying swan—and the declaration volunteered by him, that it would be madness in me to hope to conduct the government at all, I am left in the greatest doubt as to the actual position in which I stand. That speech was half a congratulation on the future prospects of the government, of which the right hon. baronet is a member, and half consisted of legubrious prophecies and lamentations as to their inability to carry it on. But I shall answer his question more fully. I shall contrast with it the course which I pursued in respect to the orange societies last session of parliament, and the course which the government pursues in respect

to the National Association in Ireland during this. I am told by the hon. gentlemen on the other side of the House, that the greater part of my support in the House is derived from the adherence of Orangemen to me, and the influence of Orangemen in my favour. Now, I appeal to my hon. friends behind me, many of whom were then members of Orange societies, whether any man could be more anxious to persuade them than I was, at the time his Majesty's commands for their suppression was issued, to acquiesce in them—or whether any man could have been more studious to change and divest those societies of the spirit that pervaded them, which might have been dangerous to the peace and tranquillity of the country? In those endeavours I was aided by the noble lord, the Secretary for the Home Department, who, on that occasion, spoke the sentiments of the government. Will he now take the same course with regard to the National Association? He cannot depart from his principles of identity in legislation, although the National Association, and not municipal laws, be the subject of discussion. When the suppression of the Orange societies was in question, the noble lord came down to the House, and stated that he had consulted the law-officers of the Crown—the Attorney and Solicitor general, and that there existed doubts in his mind as to the illegality of these societies. He threw himself therefore on their loyalty, and he said he felt himself compelled to rely on their good sense. That was the appeal he made to them—will he try a similar one with the loyalty of the National Association? He said, moreover, that secret signs and symbols were not illegal; but that secret meetings, held in different parts of the country, presided over by regularly appointed presidents, were so. He also urged the right of the Crown to ask any one in its employment, especially if it was one of trust and responsibility, whether he belonged to a secret society of any kind, and if he did, to discharge him, unless he at once dissolved his connection with it. Did the noble lord ask that question of Mr. Pigott? I think the principle laid down by the noble lord was, that when a civil office is to be conferred, the government shall lay down the conditions on which it can be held. Did the noble lord exercise the right he asserted on the former occasion to do that in the instance of Mr. Pigott? If the dissolution of all connection with societies of that nature was required as a *sine qua non* of all persons appointed to, or serving in situations under the government, why did not the noble lord require it in this case, as well as in the other case where Orangemen were in question? The noble lord on that occasion also said, in allusion to the magistracy, that no man should be appointed who belonged to any political society, because the bench should be free from all suspicion, and the magistrate should have the character of impartiality with all classes of society which he was called on to deal with. I think that is a good rule; but has the noble lord applied it to the recent appointments to the magistracy of Ireland? Have no members of the National Association been made magistrates since their connection with it? The noble lord expressed his confidence in the loyalty of the Orange societies, and stated that he was satisfied they would obey the king's wishes, and dissolve without the necessity of any law against them. Has he made a similar experiment on the loyalty of the National Association? Has he equal confidence in that body? But why do I ask, what is the meaning of the prime minister of England condemning and denouncing this association in the House of Lords, when a vacancy in a public situation of great trust is filled by one of its most active members, and you boast in the House of Commons that you and the law-officers of the Crown are identified with it? I know that a distinction may be drawn by a technical mind between the nature of the two classes of associations. I know that it may be urged that one was secret and exclusive, composed alone of Protestants, and holding its meetings in private, while the other is open to the public, and free to all conditions and creeds to enter into. But let us examine for a moment this distinction. The noble lord declared that secrecy was not illegal; and it appears that the only penalty which it could incur would be the hon. gentlemen's disapprobation on the other side of the House. But, even supposing it were, it is not in secrecy alone that danger consists. The Jacobin Club of Paris was not a secret club; its sittings were open to all comers. Yet what mischief did it not do? That club, which has ramifications all over the country—which has pacificators in every place—which collects money—which interferes with the administration of justice, and the due execution of the law—that is the dangerous club. Such an one is the National Association. It is said that it is a consequence

of bad legislation. So much the worse is it likely to be. Why, then, encourage it—why sanction its proceedings? You, who conclude all your speeches respecting Ireland with a cry for impartial justice, as well as equal laws, why, I ask you, do you place in offices of power and responsibility men who belong to an association which could pass this resolution, and be prepared to act on it. Resolved, “That it be recommended to all parishes throughout Ireland, to hold public meetings on the same day in every part of the kingdom.” What is the object of that resolution, let me ask you, except it be to show the physical force which they command, and so to compel acquiescence in their wishes? And for what purposes were these meetings to be held, and was this display of physical force to be organized? The resolution explains the whole matter, for it concludes thus—“To petition in favour of corporate reform, vote by ballot, the total abolition of tithes, and to appoint pacificators.” When the downcast clergy of the Established Church in Ireland are seen daily struggling for the maintenance of their legal rights—and daily driven down also by famine and privations of every description, because they cannot get what is their right by law—when the noble lord opposite tells us that that country is in a state of perfect quietude, and offers these injured men a verse of a modern song as an only consolation, while the more eloquent prose of the insurance offices informs them pithily that their lives cannot be insured—when such men as Mr. Pigott are put into offices of high trust, without relinquishing their connection with an association which cries aloud for the abolition of the “blood-stained impost, tithes,” then is all confidence in the integrity of the government destroyed, and every honest man will begin to think it his duty to take care of himself. Such is the state of Ireland at present. With respect to the exercise of the Royal prerogative of mercy by the Lord-lieutenant of Ireland, the noble lord opposite admits that several prisoners were discharged by that nobleman, on his visitation of the kingdom—some of them according to the regular forms used in such cases, others without attending to those forms. When the subject was first mooted, it was said to us, “Oh, you object to clemency—you lack mercy.” We answer, that we do not object to clemency, and we hope that we do not lack mercy. We do not object to clemency, but we do to its injurious exercise. Clemency, well-timed and applied properly, is a blessing; but, to give it a good effect, it should be extended with due regard to the claim of those praying for it—with a due regard to the public interest, including the respect owing to justice, and with a careful attention to the character of the judges who tried the convict, and who, to administer mercy wisely and rightly, ought, in all cases of the kind, to be consulted by the person having the power of extending it. We do not object to clemency; but we object to that which, under its sacred name, would make the administration of justice odious; and, by giving one party the exclusive privilege of indiscriminate mercy, would render another the object of hatred and fear. Such an use of the royal prerogative is only calculated to make mercy odious, and clemency ridiculous. The Lord-lieutenant has dealt with clemency, in round numbers, merely on the report of an inspector of prisons. Now, I would ask, is there any precedent for such an indiscriminate application of the great attribute of mercy? Certainly not, upon any principle, or on any known authority. I recollect I had the honour of accompanying his late Majesty on his visit to Scotland—a visit of peculiar interest, as it was the first occasion on which that portion of the empire had been visited by a Prince of the House of Hanover as the sovereign of the country. Now I doubt very much that, on that occasion, any person confined on a criminal charge was liberated, to do honour to the visit of the chief governor—and I think I do recollect, that some persons confined for breaches of the excise laws were discharged from prison; but even this was not done until the cases had been referred to the excise-office, and a selection made of the cases that were most deserving of the royal clemency. This is the only instance that I know of, in which mercy was extended to persons confined for offences against the law, on the visit of a chief governor. Oh yes! there is one other instance that occurs to my mind, but it is of a poetical nature. It is recorded in a farce—a farce known, I believe, by the name of “Tom Thumb.” If I recollect right, and I refer to the classical authority of the hon. gentleman opposite, the *King* and *Lord Grizzle* appear upon the stage. The *King* says, “Rebellion is dead—I’ll go to breakfast.” And, to celebrate the auspicious event, he says, “Open the prisons—turn the captives loose—and let our treasurer advance a guinea from our royal

treasury to pay their several debts." These are the only two instances of mercy extended to prisoners on the visits of chief governors to particular towns with which I am acquainted—one is from real life, and the other from fiction. On the visit of his Majesty, to which I have alluded, some offenders were certainly pardoned; but on a visit of the Lord-lieutenant to the prisons, the governors are called on to sacrifice a hecatomb of victims to grace the majesty of a chief governor. But now with respect to subordinate points; for, after the overwhelming debate which the noble lord had opened on the 14th resolution passed at the Dublin meeting, one is almost inclined to forget that such matters as a municipal bill, a poor law bill, a church bill, and a tithe bill, remain to be discussed. With regard to the municipal bill, I was glad to hear that the hon. and learned member for Bath had on that point reserved to them the right of free discussion; and I will therefore state my opinions on that subject with as much absence of personality as the hon. member can desire, and with as much mildness as is consistent with the very strong objections I entertain to it. In the address of the noble lord to the House, he said, that because Englishmen inhabited England, and Scotchmen inhabited Scotland, we considered them deserving of municipal government; but because Ireland was inhabited by Irishmen, we considered them not to be entitled to the same advantage, and were determined to withhold them; and we are told, that because we withhold these privileges, we offer an insult to the Irish people. Now, Sir, I utterly disclaim intending to offer any insult to the Irish people. It is not because they are Irishmen that I do not think it politic to extend to them the same corporate rights that England and Scotland enjoy. No, Sir, it is on far different grounds. It is because I entertain great doubts of the goodness of that policy which would destroy one set of corporate bodies, and establish another description of corporate bodies in their stead, which would be liable to the same objection as the old. It is contended that, according to the Act of Union, and after the Catholic relief bill had passed, there ought to be an equality of rights and privileges extended to Ireland, and the other branches of the empire. I fully grant that, under those acts, the people of Ireland have a perfect right to the enjoyment of all civil privileges; but I utterly deny that corporations form any portion of those civil rights. Will any man say that injustice is done to Manchester or Birmingham, because they have not had charters of incorporation granted to them; or, if those towns have been unjustly excluded, I ask, why have not those privileges been extended to them? It is not the principle of self-government that is at all involved in this question, but whether or no corporate institutions shall be continued in Ireland. I am bound to admit, that the presumption is in favour of the continuance of those institutions because of their antiquity, and because similar institutions exist in England; but I do say, notwithstanding, that if the continuing of these institutions in their renewed shape shall appear dangerous to the safety of other institutions, which we are still more strongly bound to preserve—I say, if they endanger the free expression of opinion by the minority, and expose some of the best interests of society to great hazard, then I say there are reasons, and reasons which go far with me in countervailing the other arguments in favour of the continuance of those corporations. I know we are accused of entertaining a prejudiced and bigoted feeling against the Roman Catholics. For myself, I can only meet such an accusation with the most direct and positive denial. No such feeling exists with me. The right hon. gentleman opposite asks me what I mean to do with the municipal question in Ireland when I come into office. Now he is in office, and let me ask him, in return, what he means to do with the Church of Ireland? Does he mean to disturb it or not? He is bound to answer that question. I say, that when I see an association established in Ireland arrayed against the established church, and I am told that that association will be continued while the Church is suffered to exist—when I know the power which the re-establishment of municipal corporations would give to that association—can I doubt that the Church would be endangered by their existence, when the main object and efforts of the association to which I allude, are avowed to be the destruction of the established church in Ireland? When we are told, that we on this side of the House are influenced by hostility to the Roman Catholics in our opposition to this measure, have we not something to complain of? Have we not some right to entertain a feeling of jealousy? In the year 1829 we passed the act for the relief of the Roman Catholics. I never took any

praise to myself for the part I had in passing that measure, because I own it was forced upon me. I leave to others the sole credit of having passed it; but to charge me with having joined in passing it for the purpose of retaining office, is altogether unjust and groundless. What would they say if the fact were, although it might not be known, that I was out of office the very night before I proposed the bill to the House! It was said, that if that bill passed it would restore a perfect civil equality in Ireland, and the question was asked in every way, what would be the feelings of the Roman Catholics towards the established church in the event of the bill passing? The answer of Dr. Doyle, and all others of the Catholic clergy and laity to whom the question was put, distinctly was,—“The complete removal of our civil disabilities will prevent any future intermeddling with the church establishment, that all agitation will cease, and that there will be a return, both on the part of the laity and the clergy, to the peaceful occupation of their former lives.” We are now asked for further concession; but are the same promises and declarations made to us? No such thing. After we had been told that the church establishment should not be subverted—after hoping that the granting of equal civil privileges would put an end to all further demands—the representatives sent to this House are told, that it is their duty to obtain entire religious freedom. They were told that while the church establishment remains, we are to have unabated agitation, and that the new normal schools shall be applied to that purpose. When we hear it declared, that while the church establishment exists in Ireland agitation will never cease, do we offer an insult if we refuse to strengthen the means for this agitation? Do we offer an insult if we desire to defend that establishment? What, I ask, was the language of him whom the Roman Catholics themselves selected as their advocate? What was the language of Lord Plunkett, the most powerful and able advocate, in my opinion, that the Roman Catholics ever had? I mean to speak of the ability exhibited upon the Roman Catholic question: he more than any other man contributed to the success of that measure. He must have spoken from his instructions: he was the chosen advocate of the Roman Catholics: he asked the Protestants of England to waive their prejudices; and he told them what were his opinions with respect to the Church. I ask you, are they stronger than mine? Lord Plunkett is still a member of the government: has he changed his opinions? These opinions were delivered by him in bringing forward the Roman Catholic question, and the people of England had confidence when the advocate of the Roman Catholics expressed those sentiments. Lord Plunkett said, “If I could agree in believing, that no step could be taken towards the emancipation of the Roman Catholics without destroying the Protestant Church in Ireland, I, who have supported these claims from my earliest life, would at once abandon them. I would change sides, and become as strenuously their opponent as I have been their conscientious advocate.” Lord Plunkett said this, and he said more. He said, “I look upon the Protestant Church Establishment in Ireland as settled at the Union, and to talk of shaking it without shaking the whole empire is idle. The Protestant Church Establishment is the cement of the Union, and is interwoven with the institutions of both countries, and, if destroyed, all public security must be shaken, the connexion between the two countries destroyed, and the ruin of private property must follow the ruin of the property of the Church.” When was this opinion given by Lord Plunkett? Not in 1825, but in 1828, the very year before the Catholic relief bill passed. If those opinions were sound, I appeal to the people of England, who are so constantly invoked [cheers]—if I understand those cheers the hon. gentlemen opposite mistake me: I do not mean the English people exclusively; but I say I do appeal to the people of this empire, who must ultimately be the judges if the opinions of Lord Plunkett have been verified. I appeal to their deliberate judgment, whether, when they see an association levying large contributions, and declaring that it never will cease agitation while the established church exists, they can hesitate to believe that to grant such corporations as this bill calls for to the towns in Ireland, would not be to endanger the other institutions of the country? The noble lord, and he was glad to hear it, intimated his intention of sustaining the established church; but I ask on what principles he will sustain it? The noble lord quoted an expression of Mr. Fox respecting concession as a means of procuring good and peaceable government in Ireland. If the noble lord agrees in the sentiments of Mr. Fox—if he says, I will concede one thing, and if

that is not enough I will concede another, and when he finds that the grant of municipal corporations will not satisfy those who call out for justice, what will he next concede? Why, if he believes that this last concession will satisfy them, he has more grounds for the belief than I have, when I find that, after battling for four or five years, the foundation is no better than it was before, when the principles of concession advocated by Mr. Fox virtually commenced. Now, let me ask, if this system of concession is to go on, how the noble lord is to maintain the church? The noble lord, concurring with Mr. Fox, said he knew no other plan for governing a people but by allowing them to have their own way. But the noble lord must know, for he has had fair notice, that while the Protestant Church remains, the National Association will agitate for concession. The noble lord by adopting the principle concedes every thing—for, if he acts on the doctrine that the people must have every thing they demand, he must not only concede till municipal reform is granted, but also till the Protestant Church is destroyed. I heard that declaration from the noble lord with the utmost regret. There is only one other point to which I wish to refer, and, as the best reward for the patience with which the House has done me the honour to listen to me, I will confine myself to that, and ask how the granting of municipal reform will interfere with the administration of justice? These corporations are to have the appointment of the sheriffs, and consequently the chief influence in the administration of justice; and let me ask, what will be the consequences of such a concession in the present heated and feverish state of Ireland? What will be its effect on the minority, but to deprive them of that free and independent action which is necessary for the administration of justice? And let me appeal again to that same Fox, who warned his audience against mistaking paper regulations for practical institutions—against attempting to establish any identity of institutions in countries of different habits and different manners, and distracted by religious jealousy, thereby interfering with the administration of justice and the protection of equal laws, and not giving that justice which it was the duty of every legislature to give, to the minority as well as the majority.

Leave was given to bring in the bill.

### POOR-LAWS (IRELAND).

FEBRUARY 13, 1837.

Lord John Russell, in a speech of some length, detailed to the House the plan of his proposed New Poor-Law Bill for Ireland.

SIR ROBERT PEEL said it was exceedingly agreeable to discuss a question connected with the best interests of Ireland in which there was no party feeling present. He thought the House and the country were under great obligations to his Majesty's government for making a definite proposal. So much time, indeed, had been expended in inquiry into the subject, that a proposal for any new inquiry would be tantamount to the admission that that inquiry was of no avail, and that the prosecution of a scheme of poor-laws for Ireland was hopeless. He believed that the extent of public feeling with respect to the justice and expediency of introducing a system of poor-laws into Ireland, without entailing upon them the evils which had pervaded our own system, but introducing a modified code, was so strong, that it was impossible for the legislature to refuse to consider the question. He thought, therefore, that they were bound to labour for this purpose. At the same time, if they did feel an interest, as he believed all did, in the welfare of Ireland, they were equally bound to take every precaution that, in acting on a principle of benevolence, they should not visit Ireland with the grievances which they had originally suffered from the former system of poor-laws in this country. The noble lord had referred to those measures which he considered auxiliary to the introduction of a system of poor-laws in Ireland, and from which he anticipated considerable aid; such, for instance, as the affording facilities to emigration, and the undertaking of public works by means advanced from the public funds, for the purpose of creating employment for the able-bodied poor. He was bound to say, that he thought they ought not to be too sanguine in their expectations of relief to be obtained from these sources. He entirely concurred with the noble lord in the opinion, that every facility ought to be

given to voluntary emigration; but, at the same time, he thought it of the utmost importance, that the disposal of lands in the colonies should be put on a totally new footing, and that the government ought not so much to seek a revenue from the disposal of those lands, as to enable parties disposed to purchase, to do so on very reasonable terms. In the next place, he thought that, considering that the lands to be disposed of were situated within some particular colony, the first and chief object the government should have in view, should be the benefit of that colony. When that was secured, they might adopt any measure that seemed most expedient or most practicable to produce improvement at home. But he very much doubted whether any benefit derived from the best conducted system of emigration, would materially aid in the great object of finding employment for the poor of Ireland, or of diminishing, in any sensible degree, the excess of the supply over the demand for labour. The hon. and learned gentleman, the member for Dublin, had asked in the course of his speech, why the government, in the case of Ireland, did not follow the example of the United States? "See," said the hon. and learned gentleman, "how widely extensive and wonderfully beneficial is the system of emigration acted upon in the United States of America." No doubt, many and great benefits resulted from the system in that country; but it must never be forgotten, that the question of emigration was here vastly different to what it was in America. There the emigration consisted only of a removal from one part of a great continent to another; here no emigration could take place except by a long passage over sea, attended with many expenses, much inconvenience, and the depressing notion of a complete separation and alienation from the land of one's fathers. Observe, too, in our colonies the difference of language, manners, climate, and quality of the soil. All these afforded, in England and Ireland, obstructions to extensive emigration—obstructions not known in the United States. At the same time, he thought that every encouragement should be given to voluntary emigration: he did not believe that any forced emigration would be found of service. Forced emigration, to be advantageous, could only be applied on this principle—that no man should obtain relief or assistance unless he consented to leave his country, and to settle in one of the colonies. He did not think that a fit principle to be adopted. At the same time, he entirely concurred with those who were for giving every facility to voluntary emigration. He came next to the subject of public works. It was customary for them all in that House to hail with the utmost satisfaction any proposal for the undertaking of public works in Ireland; and yet the hon. gentleman who spoke so much in favour of public works was one of those who, in the course of the same speech, would protest against providing in any way for the relief of the poor by the introduction of a system of poor-laws. In both cases, what was the main principle involved? The principle of an interference with the natural demand for labour—the principle of taking money out of a man's pocket, for the purpose of employing it in a manner and for objects in which he felt no interest, instead of leaving it in his pocket, to be employed in such a manner as to him should seem to be most advantageous, and for objects in which he felt a direct interest. He, therefore, was not much disposed to vote millions of the public money for the mere purpose of giving employment in public works; because in a tranquil country, and in a well organised state of society, he believed all the employment that could be usefully applied, would be given by means of private enterprise and exertion. At the same time, if it could be shown, that by the employment of public money in public works, the foundation of great public improvements would be laid, which could never be obtained without it, then he admitted that a case would be made out for the interference of the government, and for taxing the people to give employment to the poor. But he was of opinion that public works, undertaken only for the purpose of affording temporary relief to the people suffering from general want of employment, tended only to aggravate the evil they were intended to obviate. It was, besides, unfair to the people employed, because it held out to them a hope that the employment would be permanent, while it was only intended that it should be temporary. Upon the question of public works, there were always two important points to be considered—first, that the work proposed to be undertaken could not be accomplished by individual enterprise—second, that great public benefit would be derived from it. Any aid that the noble lord (Lord John Russell) expected to derive from the undertaking

of public works, ought to rest upon those considerations. With respect to the measure at large, as proposed to be introduced by the noble lord, he should be sorry to say a word that could imply an objection to it, because, upon the first stage of a measure as important as any ever submitted to parliament, as regarded its ultimate results on the interest and happiness of Ireland, nothing, he conceived, could be so unwise, perhaps so unpardonable, as for any man to pledge himself precipitately as to the course he would pursue. If, therefore, he said a word upon the subject on that occasion, he trusted the noble lord and the government would believe that it was not with the slightest hostility against them, or remotest disposition to oppose the measure, but merely as a friend having every wish to facilitate the carrying of a measure of the kind, and to make it in every respect as perfect as possible. The hon. and learned member for Kilkenny had stated, that the legislature had now no option upon the subject—that, having once been introduced, the measure must of necessity be carried. He certainly thought that the legislature was bound to consider the question of poor-laws for Ireland; but if he were told because the matter had been broached, that therefore it must at once be proceeded with, and that the exercise of no discretion was to be left to the House, he begged to reply, that he totally dissented from that doctrine. He did not believe that, by the mere proposal of the measure, any such expectation of undoubted relief would be excited in the minds of the people of Ireland as to take from the legislation all discretion upon the subject. A part of the noble lord's proposal was the building of workhouses. If a hundred workhouses were built, he begged to ask what would be the average area of square miles over which each district in which such workhouse was situated would extend? [Viscount Howick: Each district will be twenty miles square]. There is a vast difference between twenty square miles and twenty miles square; let me understand distinctly what is intended? [Lord J. Russell: Twenty miles square]. That would comprise a space of four hundred square miles. Then, again, did the noble lord propose that one portion of a family seeking relief should be admitted into the workhouse, and that other portions should be permitted to work, or beg, or do as they pleased; or, as a condition to relief, must the whole of the family be admitted at once?

Lord John Russell: It is proposed that no relief shall be afforded to one member of a family, unless the whole be at the same time admitted to the workhouse.

Sir Robert Peel thought the noble lord would find that that system would not adapt itself to the other provisions of the bill. This proposition, of course, was founded on the success which was supposed to have attended the workhouse system in England. He felt that in the present condition of Ireland there was no time for delay; but he thought it much to be regretted, that greater experience of the practical working of the system in England had not been obtained. As regarded the introduction of poor-laws into Ireland, too, it must be remembered that the situation of that country, as compared with England, was widely different. England had been under a system of poor-laws for 300 years, in the course of which time many grievous abuses had crept in, and much difficulty had existed in removing them. Ireland was a country in which, as yet, no system of poor-laws had ever existed. It was inferred, from the partial experience of the last two years, that the new workhouse system had worked well in England; but he did not think the last two years a fair test by which to judge of the operation of the system. During the whole of that time there had been a great demand for labour, in consequence of the great works undertaken in this country by the enterprise of private individuals. The system, therefore, had come into operation under very great advantages. The noble lord stated that he would make no distinction in Ireland between claims that arose from impotency and those which arose from destitution, and he added that he thought no valid distinction could be drawn between the two. He was willing to give the point every consideration; but, speaking from the present impression of his mind, he must say that he thought there was a most material distinction to be drawn between claims arising from lameness, blindness, disease, and extreme old age, where it was evident there were few opportunities of fraud, and claims arising from destitution, which in many cases might be real, but in others might be feigned, or the result of indolence or improvidence. If the system of an extensive dispensary were established, at which the blind, the lame, and the extremely old should be the only claimants for relief, there would be no risk of false claims; and any system adopted in Ireland ought,



undoubtedly, to afford instant and substantial relief to all that class of persons. But the moment the claims of the able-bodied man were admitted on account of destitution, from inability to find work, from that instant all test was abandoned by which to ascertain whether the claims were valid or not. The noble lord was very confident that the workhouse system would afford an effectual check to false claims; and upon that point he had quoted the testimony and opinion of Mr. Nichols. He was as fully disposed as the noble lord to attach great weight to the opinion of that gentleman; but at the same time he thought his experience of the working of the English bill must be too brief to enable him to speak with any certainty as to what the probable operation of a similar system would be in Ireland. But consider what these workhouses would be in the centre of an area of 400 square miles. The advantage of the workhouse system in England was, that it afforded an immediate test of the validity of the claimants. How, embracing so vast a district, could it afford a similar test in Ireland? He feared, too, if the workhouses should become popular in Ireland, that those who lived in the immediate neighbourhood would have the prior claim, so as to prevent those who lived at the greater distance of ten or twenty miles, from any chance of admission at all. Therefore, if a rigid law were laid down that no relief should be given except an admission to the workhouse, he was afraid the remedy proposed would be found in practice to be a very partial one. The noble lord had stated, that all those who could not obtain relief within the workhouses would be at liberty to wander about and beg. Had the government determined that it was impossible to unite with the workhouse system some system of domiciliary relief? The great disadvantage of the workhouse system was its inflexibility. Might not that disadvantage be obviated in some degree by the establishment of a system of domiciliary relief combined with it? As he had stated before, he wished to give this measure his cordial support, which he should undoubtedly do, if, in the course of the further discussion, he should feel convinced that the workhouse system was inseparable from the introduction of poor-laws into Ireland. All that he was afraid of was, that by the rigid rule of excluding every claim to relief unless administered within the walls of the workhouse, and of allowing vagrancy to be sanctioned by the law, very little practical good would be effected. The noble lord stated, that the workhouses would not be filled, because the natural affection of the Irish people would induce them to support their poor and more destitute relatives. In that case, he (Sir R. Peel) thought they would not relieve the class of persons who stood most in need of it. If that feeling obtained generally in Ireland, and if this system were adopted, he feared that the pressure of charity would fall most heavily on those who were least capable of bearing it. But at that time, and in that early stage of the proceedings, he would not extend his observations. He gave every credit to the government for bringing the matter forward. As far as he was personally concerned, he was disposed in every way to labour towards, he would not say the literal adoption of the measure as it was then proposed to them, but towards the introduction of a sound system of poor-laws into Ireland, by which the suffering poor of that country might be relieved, without entailing upon them and upon the richer classes such heavy evils as had arisen in England from an indiscriminate application of relief. With that feeling he should address himself to this measure with exactly the same zeal as if it had been introduced by his own friends.

Resolution agreed to, and ordered to be reported.

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## SPIRITUAL PEERS.

FEBRUARY 16, 1837.

Mr. C. Lushington, in a brief introductory speech, moved the following resolution:—"That it is the opinion of this House, that the sitting of the bishops in Parliament is unfavourable in its operation to the general interests of the Christian religion in this country, and tends to alienate the affections of the people from the Established Church."

SIR ROBERT PEEL said, that if any unpopularity were attached to the most decided opposition to the motion of the hon. member for Ashburton, to his full share of that unpopularity he begged leave to put in a distinct claim. Feeling as he did

upon the subject, he certainly would not be guilty of so base an action, as to leave the whole of the unpopularity with the noble lord. It might not serve the noble lord for him (Sir Robert Peel) to say so; but he must declare, that he never heard a speech delivered in a more manly manner than the speech of the noble lord, or one which reflected greater credit on the noble lord's abilities and judgment. For if it were true, as had been asserted by the hon. member for Liskeard, that the noble lord had lost his election for Devonshire by the votes of 600 clergymen, and it being undoubtedly true, that a large majority of the bishops were opposed to the present government, the noble lord had set a most laudable example of the conduct which, under such circumstances, ought to be pursued by every man, and every minister; and had not allowed any personal feeling to prevent him from frankly avowing his opinion on a great constitutional question like that under the consideration of the House. There was one objection to the motion of the hon. member for Ashburton, which struck him (Sir R. Peel) as being at once fatal to it. The hon. gentleman asked them to proceed, not by a legislative measure, but by a resolution. The hon. gentleman asked the House of Commons to agree to a resolution, depriving a portion of one branch of the legislature of its functions and privileges. Now, what right had they to take any such step? If the hon. gentleman were desirous of involving the House of Commons in a dilemma, he could not succeed more completely, than by persuading them to pass a resolution which, if passed, would have no effect whatever, but would be nearly a piece of waste paper. In former questions of a similar nature, it had always been proposed to proceed by bill. But the hon. member for Ashburton proposed by a resolution, to effect that which he despaired of effecting by bill. Why should the House of Commons risk bringing their own resolution—he would not say into contempt—but why should they pass a resolution which must prove invalid and unavailing? The noble lord had justly observed, that the inferences to be drawn from the reasoning of the hon. member, led to much more serious and extensive consequences than the hon. member himself seemed to be aware of. Not only, however, was that the case with the speech of the hon. mover, every argument which had been used by the hon. gentleman who seconded the motion, went the length of showing the expediency, not merely of removing the bishops from the House of Lords, but of abolishing the establishment. The hon. gentleman said, that when Parliament repealed the Test and Corporation Acts, they established the principle, that no religious creed should have any advantage over any other. He (Sir R. Peel) had never heard such a principle maintained. The hon. gentleman also contended, that the same thing took place on passing the bill for the relief of the Roman Catholics. He (Sir R. Peel) had never heard so before; but he had heard the direct contrary. It would, indeed, be a great discouragement to any attempt to relieve any portion of the people from civil disabilities, if the House were to be told, “You must not stop here; you must carry your measure infinitely further, and stop only with the destruction of the National Church.” Because the Test and Corporation Acts were repealed, because relief was granted to the Roman Catholics, was it thence to be inferred, that no one religious creed should have an advantage in this country over any other? It was evident, that if these hon. gentlemen were to succeed in expelling the bishops from the House of Lords, their next step would be, to propose that the Protestant clergy should no longer hold the exclusive possession of church temporalities. The hon. member for Liverpool had mistaken, not only the argument, but the statements of the noble lord. The noble lord had never talked of any rapid changes on the part of bishops from Whig to Tory, or from Tory to Whig principles. The noble lord had never talked of bishops rewarding their patrons by mean political subserviency. What was the fact? That while human nature remained what human nature now was, and always had been, men possessed of patronage would, *ceteris paribus*, exercise that patronage in favour of those who agreed with them in opinion. And nothing could be more reasonable. Why, if his Majesty's present government were to depart from that usage, and were, *ceteris paribus*, to select political opponents for bishops, would not the House hear the loudest reprobation of such a proceeding? Undoubtedly, the noble lord stated, that during the long continuance of a Tory government in power, the bishops generally professed Tory principles. But did the noble lord add, that that was out of servility to their patrons? Not at all. They

were originally selected for advancement to the bench of bishops, because they were supposed to hold certain political opinions. They did hold those opinions; and they continued to hold them. But it was said by the hon. member for Middlesex, that after they had become bishops, the hope of translation to more lucrative sees would tempt them to change their political opinions, and to maintain the principles of any new government. Had his Majesty's present government found that to be the case? The political opinions which they held, at the time of their original appointment, they still held and acted upon. The hope of translation had no effect upon them: there was not one of them who had voted that black was white. All, therefore, that their worst enemies could allege against them was, that they were consistent, bigoted politicians, who obstinately adhered to their own opinions. As to the separation of the civil from the religious duties of the clergy, he was convinced that it would be a measure highly injurious to the country. He did not wish to see the church excluded from its fair share of political influence. If such an object were to be accomplished; if the clergy were compelled to confine themselves to the discharge of their ecclesiastical duties; if they were compelled to eschew all reference to, or interest in, temporal matters; if they were forbidden to participate in the feelings and wishes of their lay countrymen, he doubted, whether instead of the active, intelligent, enlightened, patriotic men, of whom the great body of the clergy of this kingdom was at present composed, we should not have a set of lazy, worthless, cloistered hypoerites. Into that question he would, however, not now enter. As to the plausible arguments which had been urged in favour of the destruction of a monarchical, and the establishment of a democratical government, he should be ashamed of himself if he condescended to say a single word in answer to them. He had risen only, because he did not wish it to be believed that he was capable of desiring to leave all the unpopularity of resisting the present motion on the shoulders of the noble lord. Whether the declaration might be popular or unpopular he cared not; but he was prepared to give his most decided opposition to a proposition, the ultimate tendency of which would be to injure, if not to destroy, the civil and religious constitution of England.

The House divided:—Ayes, 92; Noes, 197; majority, 105.

## MUNICIPAL CORPORATIONS (IRELAND).

FEBRUARY 22, 1837.

In the third day's debate on Lord Francis Egerton's motion, "That the committee on the Bill for the regulation of Municipal Corporations in Ireland, be empowered to make provision for the abolition of such corporations; and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland"—

SIR ROBERT PEEL said, his wish was, at the close of this debate, to have confined himself exclusively to the consideration of the proper subject in question, to have stated briefly and simply the reasons why he could not concur in the arguments which he had heard from the opposite side of the House, to have refrained from any reference to the conduct of the Irish government, although provoked to do so by the challenge of the noble lord opposite (Lord John Russell), and to have treated this subject on its simple and proper grounds. But the hon. and learned gentleman (Mr. Sheil), by the personal attack which he had just made, for the purpose, not of convincing the reason, but of exciting the passions—of stimulating—he did not say with the intention, but with the effect of widening the national differences—had compelled him to depart from the course which he had prescribed to himself. He would ask, was it wise, was it prudent, was it just, to ransack every past debate for every angry expression? Was every hasty expression that might have fallen from an individual in this way, to be taken up at once, considered as matter of history, and handed down as evidence of national prejudice? Was the hon. and learned member content to abide by the same rule? Did he ever hear that when the illustrious captain of that mighty field—as he designed the Duke of Wellington—that when he, to whom life was nothing, staked the mighty reputation which he had gained by former victories on the

field at Waterloo—when he stood there opposed to the legions of France, leading the united bands of Englishmen, of Irishmen, and of Scotchmen—did he ever hear that after the Duke of Wellington had rescued Europe by that great battle from the dominion of Bonaparte, and established the military fame and the peaceful security of his own country—did he ever hear of an Irishman, who had so little sympathy for his country's glory as to be able, with all the opulence of his own peculiar vocabulary, to find no other appellation for the illustrious hero of Waterloo, than that of "the stunted corporal?" And if it were unfair to fasten upon words like these, uttered in a moment of irritation, of jealousy, or mortification at his country's triumphs, and at the fame of the most illustrious man his country ever produced, was it not equally unfair to select the expressions used by Lord Lyndhurst as irrefragable proofs of his hostile sentiments against the whole of the Irish? The hon. gentleman had called on him (Sir Robert Peel) to defend the conduct of his noble friend, the member for North Lancashire. The hon. and learned gentleman had contended, and justly, that he had a perfect right at any time to make, on public grounds, any reference to the opinions and conduct of his noble friend. But when the hon. gentleman alluded to the meeting at Brookes's, the hon. gentleman must have known that that was a matter which he, for most evident reasons, was precluded from giving the hon. gentleman any answer. It required no ingenuity, no knowledge of petty details, however, to defend the conduct of his noble friend. What was it that had placed him in a position which he now held? What defence was required for his noble friend? Why should he require deliberation to devise an ingenious justification for his noble friend, when, from the facts which the hon. and learned gentleman had himself stated, that justification appeared so palpable, so evident, as to occur at once to the mind of every man, be he friend or opponent of the noble lord? What man was there, he repeated, who ever held in public life a prouder position than his noble friend? What man ever attained, not by the advantages of connexion, or of rank, or of fortune, but by his evident abilities for debate and public business, and through the undivided confidence of a great party to which he belonged, what man had ever attained to greater or more permanent eminence than his noble friend? What man was there more endeared to the persons with whom he had ever been connected? When his name was mentioned, was there any man who had ever been connected in office with him, who did not express the deepest regret at being separated from him, and a deep sense of the public loss which had been sustained by his quitting office? He (Sir Robert Peel) was speaking to those who had been connected with the noble lord in office, not those whose designs he had combated. If love of office or ambition for official distinction had been the object of his noble friend, was there ever any man who had such prospects open to him, such means of gratifying his wishes? What, then, made him relinquish office, but a stern and overpowering sense of duty? What, and what alone, had placed him in a position he now occupied? What, he demanded again, had caused his noble friend to retire from office, to sever himself with feelings of the deepest regret from his ancient party, what object could he have had in view in so doing, but the highest and purest sense of public duty, which being obeyed, had placed him where he was, in opposition to his former connexions? What he (Sir Robert Peel) had thus stated on the instant, without any communication with his noble friend, were facts well known to all mankind, and which he perceived were confirmed by the testimony of the former colleagues of his noble friend? and after stating these facts, it did not require any ingenious dexterity or skilful advocacy on his part, to make out a complete and unanswerable justification of his noble friend's conduct in quitting office, and taking up his present position. The hon. and learned gentleman next applied to him (Sir Robert Peel) to fulfil the compact which he said was entered into with him at the time of passing the Roman Catholic Relief Act. Let them see for one moment the exact nature of that alleged compact. The hon. and learned gentleman contended, that this compact compelled him (Sir R. Peel) to apply to Ireland the same principle of municipal reform as that which had been adopted for England. Now, on referring to the Roman Catholic Relief Act, he found no such compact. He certainly found a compact to this effect—that Roman Catholics and Protestants were to enjoy equal eligibility to corporate offices. The hon. and learned gentleman referred to a speech he made in 1831, when he gave his advice that Roman Catholics and Protestants should be admitted into the corporations

according to their fair merits. There was no compact made that he was aware of, that the municipal institutions of Ireland were to be framed upon the model of those of England; nor, if it were shown that it would be better that those institutions should be altogether abolished, would there be any thing inconsistent with the Roman Catholic Relief Act, in abolishing them. This was not his single opinion only; for in a petition which had been presented to this House by the Roman Catholics themselves, anticipating the removal of every civil disability, the same view had been taken. The prayer of the petition to which he referred was, "that they would cause a reform to be made in the temporalities of the established church—that they should declare Orangemen to be ineligible as magistrates—that they should emancipate the Roman Catholics of Ireland—and that they should disfranchise the Irish corporations." So that at the time that the Catholics petitioned for the removal of their civil disabilities, it was not considered an insult to them that the municipal institutions should be retained in England, and should be discontinued in Ireland; but, on the contrary, it was expressly asked as a favour not to reform those institutions, but to abolish them altogether. He admitted, indeed, that at this period the corporations of England had not been reformed, and the Irish Roman Catholics had not these reformed institutions to contemplate; but still those institutions themselves existed in England, and the inference was the same. The hon. and learned gentleman had relied on the Roman Catholic Relief Bill as a contract, the terms of which they were bound to fulfil. But did he not consider the Act of Union a solemn compact? The inference that must be drawn from the general context of that act, supposed, implied, and evidently understood, that the protection of equal laws should be extended to Ireland. This argument in support of the permanence of the municipal institutions of Ireland, was an inference drawn from a supposed article in the Act of Union, that the two countries were to be governed by a parity of legislation. There was no such article, however, in the act; though he would admit that, generally speaking, the principle might be correct; but in the anxious search which the hon. and learned gentleman had made through that act, he wondered that that article had never struck him in which one institution was particularised, not by remote or doubtful inference, but in express and clear terms, and its existence guaranteed as a condition of the Act of the Union. The fifth article of this act was as follows:—"That the churches of that part of Great Britain called England, and Ireland, shall be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be preserved as was by law established for the Church of England." Would the hon. and learned gentleman allow him to ask him, whether or not the uniform declaration of every Roman Catholic, whether every petition presented by a Roman Catholic, whether every declaration made by them, either individually or collectively, had not, with a force of a compact, led the Protestant mind of England to this conclusion, that the restoration of political equality to the Roman Catholics of Ireland was perfectly consistent and compatible with the maintenance of the church establishment in that country? Nay, more; was it not the express assurance of every Roman Catholic who had spoken on the subject, that the maintenance of the established church as the religion of the state was perfectly consistent with the political privileges and civil rights claimed by the Roman Catholics of Ireland? Did not the hon. and learned gentleman himself once believe that such was the case, and that political privileges once granted to the Irish Roman Catholics, the causes of jealousy and disunion would cease, and the system of agitation subside? Did not the hon. and learned gentleman himself once say—before a committee of that House—"that he was perfectly convinced that neither on the subject of tithes, nor on the Union, nor on any other political subject, would the people of Ireland be permanently or generally excited if the civil disabilities of the Roman Catholics were removed; that at present they were aggrieved by the state of the law, and that it was not so much on public grounds as by a sense of personal injustice that they were urged to complaints." The individual injustice here complained of was now done away with by the passing of the Roman Catholic Relief Bill; and the hon. and learned gentleman himself boasted of the result of that measure, when he stated that the chief offices on the bench and at the bar in Ireland were now filled by Roman Catholics. From these circumstances it appeared, that not only had a serious complaint of injustice been

removed, but a practical equality established. Now he would ask the hon. and learned gentleman, in pursuance of his express or implied compact, in the expressions he had quoted, whether he considered the present state of the Protestant clergy of Ireland to be consistent with the declarations he had made at the above period? They were now told that religious freedom could not exist in Ireland until the voluntary principle was established, or, in point of fact, until the Protestant religion was destroyed. [Mr. Sheil: I have not said that.] "You never said so?" But you asked me, continued the right hon. baronet, to be responsible for expressions which had fallen from others, and to check the indiscretions of those who acted with me. And now, when I repeat a plain statement, the hon. and learned gentleman had no other refuge but to say, "I did not say so, it did not fall from me." Was this, he asked, the promised fulfilment of the compact on passing the Reform Bill—that Ireland was never to be tranquil until the Protestant Church was abolished? The noble Lord (Howick) who spoke last night, had used certain expressions in reference to the part he (Sir R. Peel) had taken in the passing of the Roman Catholic Relief Bill, in the course of which the noble lord had done him the justice to say, that he thought that in the year 1829, in coming forward to remove the civil disabilities of the Roman Catholics of Ireland, he had acted upon disinterested motives, and with great courage in remaining in office as he did. The noble lord had also referred to the taunts which had been cast at him by persons belonging to that party, by whom he had before that period been respected and supported. But the noble lord, from his experience in public life, ought to know what was the value and weight of expressions of this nature, uttered under such circumstances. He regretted at the time the taunts thrown out on the part of friends whom he had every reason to respect, but the impression made by those remarks had long passed away; they had left no rankling wound, because he knew that the imputations were unfounded; and he could say, that there was no one act of his political life which he was more prepared to justify than remaining in office, in spite of such imputations, for the purpose of relieving the disabilities of the Catholics. The part which he took on that occasion was approved of by his colleagues; he had the concurrence of the Duke of Wellington, and also the concurrence of his noble friend, Lord Lyndhurst, on the subject of granting Catholic relief; and, acting in concurrence with them and with the rest of the members of the government, he resolved to lend his assistance in carrying the measure into effect. Much public indignation had been expressed against his conduct, that at the close of the session of 1828 he had not adopted the views which he adopted in the following years; and in answer to that he would say, that after renewed applications—after reflecting on the desire evinced by the public mind in England and Ireland, and on the impossibility of forming a united government without conceding the question—he came at last to the conclusion, that though he did not consider the claims founded on right, it was better that those claims should be granted than resisted. But when he gave his consent to advocate the measure, he gave it under the full conviction of the sacrifices with which it was to be accompanied, and under the full impression of retiring from office, and supporting the claims of the Catholics in private life. And the reason why he remained in office was, because he foresaw to demonstration, that if he did not remain in office and brave the storms of calumny (he did not say that from any arrogance, but because it was consistent with truth), these disabilities would not have been removed. An erroneous construction had been put on something which had fallen from him, and it had been inferred that he had been out of office from an unwillingness to redeem the pledge he had given to his noble friends with respect to the Catholic question; and that a difference of opinion had existed between them. Such was not the case; for, having come to the conclusion of the expediency of conceding the Catholic claims, and having given notice of his intention to bring forward a measure on that subject, he never once thought of shrinking from the performance of that task. But the noble lord opposite, while admitting that his conduct on that occasion was free from the suspicion of interested motives, asked why he did not take the same course with regard to the Catholic question in 1825 and 1827, as he had done in 1829, and how it happened that at that period an entirely new light broke in upon his mind? Now, he declared that he, for one, never professed to entertain in 1829, the sanguine expectations which others entertained with regard to the effect which would be produced by the removal

of the Catholic disabilities. He had his misgivings; nay, looking to the state of Ireland, he entertained great doubts whether the removal of those disabilities would restore peace, and afford full security for the Protestant establishment in that country. But in 1829 he made up his mind, upon a consideration of what ought always to have influence over every statesman, upon a comparison of the evils and dangers existing on both sides, and on the whole he came to the conclusion, without the assistance of any new light, and without changing his opinion, that the Catholic claims were not founded on any abstract right; he came, he repeated, to the conclusion, that those claims ought to be conceded, and that, if conceded, the concession ought to be full, frank, and generous. The noble lord opposite asked, why he had not taken the same course at an earlier period? The same question might be put to many other public men. Would the noble lord have the goodness to ask the noble lord, the Secretary of State for the Foreign department, why he was not an earlier convert than he had proved, to reform? He had no doubt the noble lord was an honest convert, and that, acting with regard to the question of reform on the same principles as he had acted with regard to the Catholic claims, he had chosen what he considered to be the lesser of two evils. Would the noble lord opposite inquire of the head of the present administration, why he, too, had not been an earlier convert to reform? If it were blindness in him not to foresee in 1825 the necessity of granting—of conceding the Catholic claims, was not Lord Melbourne blind in 1826, when he made the most vigorous opposition to all reform, even to the transfer of the representatives from Penryn to Manchester? Nay, even the leader of the House of Commons could not escape the searching question of the noble lord, his colleague. Had a prophetic vision of what was now passing appeared to the noble lord some ten years ago, he doubted whether any eulogium on Old Sarum, or any declamation on the necessity of preserving Aladdin's lamp, and cherishing the vestal flame, would ever have proceeded from the pen of the noble leader of that House. He knew not what answer the noble lord might return to the question, why he had changed his course with respect to the question of reform, but he would freely reply to the question which had been addressed to him on the subject of the Catholic claims. He thought that a man might, without any irrational distrust of the Roman Catholics, have entertained conscientious doubts on the question, whether the removal of the political disabilities of the Roman Catholics would restore peace to Ireland, and secure the stability of the established church; and the hon. member for Liskeard was not justified in saying, that he had been, on a former occasion, carried into office by the force of the "No Popery" cry, if the hon. member meant to imply that his opposition to the concession of the Catholic claims proceeded from any bigoted motive. He feared danger to the Protestant establishment. Had he been entirely wrong? He would, however, say, if the question were to be discussed again—if the question carried in 1829 were again to be agitated—looking at the position of parties and the state of public opinion, looking at the hostile elements, the parties in favour and those opposed to emancipation, he should on the balance of opposing evils do as he did before, and resolve that concession would be the wisest course. But had he no reason to relinquish all the fears which he might once have entertained of the danger of conceding the claims of the Roman Catholics? Did he not find that all the public men who appeared as the advocates of the Roman Catholics—all, without exception, made two declarations—first, that they considered the maintenance of the established church essential to the well-being of Ireland, and to the maintenance of the connection between the two countries; and secondly, they gave the most positive assurances that, the disabilities of the Roman Catholics being removed, all fear of danger to the established church would be removed? Did not he find those declarations solemnly recorded in the preamble of Mr. Grattan's act, by which it was proposed to remove the Catholic disabilities? The preamble of that act declared, that "the Episcopal Church of England and Ireland, and its doctrine and government, were permanently established, and that it would promote the interest of the same, and strengthen our free constitution, of which they formed an essential part, if the disqualifications under which the Roman Catholics laboured were removed." Had he not heard Mr. Grattan declare, that he thought the removal of the Catholic disqualifications consistent with the preservation of the Protestant establishment, the maintenance of which he considered essential to the peace of Ireland? Did he not find it written in that paper, which

that eloquent individual called a testamentary bequest to his country, that the Protestant establishment should be maintained inviolate? Did not Mr. Canning, Lord Castlereagh, and every advocate of Catholic relief, attempt to banish all fear with regard to the result of the removal of the disabilities? When he (Sir R. Peel) had at an earlier period than 1829 stated his apprehension, that by the passing of a Catholic Bill, animosities would not be subdued, that distractions would still continue, and that the stability of the church would be endangered, how was he then replied to by Lord Plunkett? That noble and learned individual stated, that the Catholics, though they preferred their own religion to any other, looked upon the Protestant Church as an institution established by law, and necessary for the liberty of Catholics along with all the subjects of the realm. And what said the same authority with reference to the Church of Scotland as a precedent for subverting the Protestant Church in Ireland? He said, the assertion that the establishment of the Presbyterian Church in Scotland could form a precedent for the subversion of the Episcopal Church in Ireland, was laughed at by the Catholics, because they knew that the Presbyterian religion was the reformed religion, and it was so ordered by the solemn contract entered into at the Union, that the maintenance of the Protestant religion should form a permanent law of the empire, and added, that the Catholics considered the clergy of the established church were as much entitled to the possession of church property, as private individuals were entitled to property purchased or devised, and that he would abide by the oath he had taken, and, so far from adopting measures for the subversion of that church, he would offer the most strenuous resistance to those that would overthrow it, from whatever quarter it came. That was the language of Lord Plunkett; and was it not rather late now to say, that religious freedom could not exist unless the Protestant Church were destroyed? Was it not rather late to say, that the Protestant Church was the greatest curse, and to rejoice in the prospect of establishing municipal corporations in Ireland, because these would certainly lead to the overthrow of that church? Those who held that language might have been no party to the carrying of the Catholic bill; but he who, was instrumental in carrying it—who believed that there was danger in it to the established church, who believed that the maintenance of that church was essential to civil rights and liberty—was he to be blamed for asserting the principle for which he had always contended; and were they to be surprised if, after the assurances that had been made of the determination of the advocates of emancipation to support that church, that he should now do every thing in his power to protect what some called a curse, but what he called the greatest blessing? And if he were told that the establishment of these municipal institutions were subordinate to the destruction of the Protestant Church in Ireland, and that they were to be used as a means to subvert it, was he to blame for not acceding to the bill till he knew what security they would give against its subversion? He did not oppose the measure on the ground imputed by some. He did not cast any reflection upon Catholics; his only object was to take care, as it was the duty of every government, that institutions should be established which would be conducive to the peace of Ireland, and the impartial administration of justice. The hon. member for Liskeard had argued the propriety of discussing the abstract principle of the measure; and he concurred with him in thinking, that by adopting such a course they would have arrived at safer conclusions, but they had been led away from that by the indiscreet challenge of the noble lord who brought forward the measure. The hon. and learned member had also contended, that these municipal institutions were of great use in former times, and on that point he entirely concurred. He agreed that in the eleventh century the municipal corporations in France, and Italy, and Spain, and almost every country in Europe, were great instruments of improvement. In those times, when the great body of the people were vassals to the Crown, or to great lords, there could be no doubt that municipal institutions were a great blessing; but it did not follow, that because they were good in the reign of Louis le Grand, or when a man could not dispose of his property, or give his children in marriage without the consent of his superior, they were equally good in more civilised times. And besides these, there were other causes of civilisation at the remote periods alluded to. There were the Crusades. The Crusades improved the manners and enlarged the views of the people. They opened the avenues to commerce, and removed many turbulent noblemen from the different kingdoms of Europe. He referred to those, and he might refer to other



causes, to show, that it was not necessary to attribute the progress of civilisation to the sole cause to which it had been ascribed by the hon. member for Liskeard. The hon. gentleman then proceeded to talk of the confidence which ought to be reposed in local authorities. He said, that the right of paving, of watching, of lighting, ought to be placed in local authorities; and had referred to the Act of 9 Geo. IV. on the subject. The hon. member for Liskeard was also desirous for the establishment of municipal institutions in Ireland, because he said they would inculcate lessons of mutual forbearance and concession. If it could be proved, that such was likely to be the result of the creation of corporations in Ireland, his (Sir R. Peel's) objections to the ministerial proposition would, in a great measure, be removed. But when he saw the maintenance of political institutions, which all admitted to be perverted, was insisted on, he then suspected that it was the object of the promoters of the present proposition to get hold of political power for their own benefit, and to exercise it through the instrumentality of those corrupt bodies, the existence of which was so strenuously advocated, but to which he was opposed, because he believed they would continue to be perverted to bad purposes.

“Quo semel est imbuta recens, servabit odorem  
Testa diu.”

He feared it was because of the sweetness of the odour that they wanted these corporations. But there was one question from which those who advocated the necessity for these institutions had invariably shrunk from answering—namely, the question, “Why they were not in operation in the great towns in England?” Why had not Manchester, Birmingham, Marylebone, and many others, petitioned the legislature to grant them these so much coveted institutions? The truth was, that Manchester and Birmingham, and the boroughs of Southwark, Westminster, Marylebone, and Finsbury, were satisfied with their present condition, and municipal institutions, such as ministers proposed to give to Ireland, were not considered necessary by the inhabitants of these places. In Ireland, he did not think they would be found, as the amiable simplicity of the hon. member for Liskeard supposed, conducive to mutual good-will, concession, and forbearance. It was much more likely they would be under the control of that species of central government, the general association, and would constantly interfere with the elective franchise; and the result would be, that the ascendancy of one political party would be effected, while all confidence in the administration of justice by the local authorities would be destroyed. In support of his argument, he might quote a passage from the report of the commissioners appointed to inquire into municipal corporations. They stated, that a great number of corporations had been preserved solely as political engines, and that the towns to which they belonged derived no benefit, but often much injury, from their existence: to maintain the political influence of a family, or the political ascendancy of a party, had been the sole end and object for which the powers intrusted to a great number of these bodies had been exercised. It appeared, then, that the most flagrant abuses had arisen from the perversion of the municipal privileges to political purposes, and that the corporations not possessed of the parliamentary franchise had most faithfully performed their duty. But it was contended by the hon. member for Bath, that in the present instance, there was a security against corruption and persecution on the part of the corporations, in the circumstance that they would be the instruments of a majority. Surely it would hardly be contended that it was impossible for a majority to persecute? Mr. Fox said, that the ancient republics, whenever danger was apprehended, did, by incorporating every man with the state, excite great enthusiasm in their defence; and yet, that such instances of iniquity, injustice, and oppression were never presented as were presented by those republics. Did the hon. member for Bath consider the present position of the church in Ireland, as no proof that a minority might be persecuted? Had the hon. gentleman read the history of the French Revolution? Were not the emigrants, were not the Girondists persecuted, and were they not the minority? Did not the hon. member for Bath bear in mind that the government of Spain had confiscated the property of General Alava, and that it had lately sent a general into Andalusia with authority to proclaim, that every man who did not join him should be hanged—and was not that persecution? Would it be right, then, to establish

the proposed municipal bodies in Ireland, the election of which would, in his opinion, be influenced by pacificators appointed in every parish, and acted upon by Roman Catholic priests? Pacification was, indeed, a noble object, but he did not think it most likely to follow from a transfer of authority from one section in the state to another, and certainly he had serious doubts whether it were conducive to religious peace, above all, that the transfer should be from a minority to a majority. He had been tauntingly reminded of the minority in which he was in that House, but what was his minority compared to the overwhelming importance of the question before them? He felt that it was more important to him to take the course prescribed by justice, than to enter into speculations concerning his minority—to look to the safety and solidity of the Protestant Church, rather than to the insufficiency of his minority—to provide, in the first place, against his becoming an instrument of doing wrong, and not until he had made that provision to think of his minority. He never felt so satisfied of the justice of any cause as that of that church, nor was he one whit less satisfied that the House was bound by all the obligations of honour, of justice, and of interest too, to provide for the security of that church. The noble lord had asked him, and with considerable anxiety too, which was not to be wondered at, as the noble lord would soon have to ask the question of himself, what his intentions or designs were under the formidable circumstances which Ireland presented. Yes, the noble lord would have to ask himself that puzzling question, when, with these municipal corporations in the foreground, he peered over the battlements of the church, which he and his colleagues were ashamed to abandon, and afraid to defend. They pointed to the Association, and they asked him how he proposed to meet the power which was in open resistance to the church, and which meditated a violence as open? Who had made the Association powerful—not he, but they. The existence of that Association was fraught with importance to the church, for it had determined on the destruction of the church, had resolved that in Ireland peace should not ensue until that destruction was complete. They were persons fond of secret determinations as to the benefits they might obtain; they never could be satisfied with what they got; they were always asking for more, and each new boon was an instalment only, a fraction of some greater claim. This was the way they had received the appropriation clause bestowed on them by that House, and this was the way in which every thing else would be received. Now, he would ask them, did they think it possible, that if they selected their confidential legal advisers from out that Association, from among its most active members, they would disabuse the public mind of the impression that they approved of it, that they were anxious to encourage it, that they were desirous even of rewarding it? An effort at a retort had been made by the allusion to the appointment of Colonel Perceval, but was there no distinction between the cases? Did the House see none? Was there nothing in the existence of funds regularly collected, which, though now said to be kept secret for a legitimate purpose, might be used to effect the perversion of justice? Was the man most active in the creation of such funds, which might be applied to defeat the law, to be appointed a legal adviser of the government? The prime minister had declared, that he disapproved of the association, and thought it ought to be discouraged—that was the declaration of a gentleman; but the mode of discouragement was a singular one. To discourage the Association, they gave office to a gentleman who had tried his 'prentice-hand in that association; because he had graduated in the normal schools of agitation, they thought him fit to become a professor in Dublin castle—they had actually created a vacancy for him. If that were their mode of discouraging, to him it appeared any thing but an efficacious one. They might think to limit the evils by the plan they were pursuing, but their turn would come next, their lukewarmness would fail them. He knew that it was difficult, and ungracious, perhaps, for a government to exert its power to restrain, but it should not lend its power to incite or goad on those who were, or might become, disaffected; if it were so lent, then it was a perversion of power, and became a formidable encouragement. He did complain of such conduct as unjust, ungenerous, and impolitic; it was unjust to discourage one species of association merely, and from another to take an important functionary, whose duties as a lawyer for the Crown ought to be uninfluenced by the spirit of any association; it was ungenerous to avail themselves of the loyalty of Orangemen, to cajole them with praises

of their love for their Sovereign and deference to his commands, to confess that the law could not reach them, and to obtain their ends from their good-will, and then to turn round on them and call them a miserable monopolising minority; it was impolitic, for if a government did not interfere to restrain, it at least should not interpose to encourage. When did the principle of successive concessions, of constant compliances, of a nervous horror of refusals, ever succeed? Never—it was revolting to common sense to suppose that it would. Such a system, if pursued in private life, would be most injurious to society; in official life, it was much worse, much more pernicious. Persons in official life, should recollect how great the interests were that were committed to them, and they should never interpose their authority, no matter what the direction of its exercise, to encourage, or to do acts tending to encourage, any party or political sect whatever.

The House divided on Lord Francis Egerton's motion; Ayes, 242; Noes, 322; majority, 80. The House went into committee *pro forma*, and resumed. Committee to sit again.

## POOR-LAW-AMENDMENT ACT.

FEBRUARY 27, 1837.

Mr. Walter moved, "That a Select Committee be appointed to inquire into the operation of the Poor-Law Amendment Act, and to report their opinion to the House."

Lord John Russell, after analysing the speech of Mr. Walter, contended that the real object of the motion was the repeal of the Poor-Law Amendment Act, and moved as an amendment, "That a Select Committee be appointed to inquire into the administration of the relief of the poor, under the orders and regulations issued by the commissioners, appointed under the provisions of the Poor-Law Amendment Act."

SIR ROBERT PEELE thought the question really at issue lay within the narrowest limits; and he could state what his opinions were in five minutes much more satisfactorily to himself than if he spent two hours speaking on the subject. He considered the whole question to turn on this—what will be the impression of the public mind from the course they were about to adopt? The terms of one motion might differ very little from those of the other, the inquiry they might institute might differ very little from another inquiry, but the real question at issue was—what construction the public, those who had to administer the law, those to whom the law was to be administered—what construction they would put on the vote the House was about to come to, and on the intentions that vote would manifest? If they intended to repeal the poor-law amendment bill, if they intended to prejudice the operation of that measure, their course was perfectly clear; if, on the other hand, they intended to maintain it, to see that a great experiment had a fair trial, and give the moral aid of their support to those who had to administer very unpopular functions, then he said they ought to be exceedingly cautious that they did not create in the public mind perhaps an erroneous impression, that they had doubts on the subject, and wished to shrink from the application of the measure on the most plausible grounds imaginable. He apprehended the great object of the change made in the poor-law was to save expense to the rate-payers. He attached very little importance to the results as derived from that measure, affecting merely the question of a diminution of a pecuniary charge. It was stated, that £2,000,000 or £3,000,000 had been saved by the bill; he did not undervalue the amount of the saving, particularly in this respect, that they could make no reduction in unwise expenditure without improving the condition of the lower classes. In that respect he attached much importance to the saving which had been effected; but the principal advantage to be derived from the measure was to elevate the moral condition of the poor, promoting their independence, and raising them in the social scale—holding out to them the hope, that when industry was combined with good moral character there was a certainty of providing for their own subsistence and that of their families. Having given to this measure, when first introduced, his cordial support, he must say he had yet heard no facts which could induce him to regret the course he had then taken, or incline him to prejudice

the operation of the bill. He did not believe it was possible to make a great change in the old administration of the poor-law, and contend with a system of abuse so rooted and so extensive, without provoking great opposition. There was a great deal of interested opposition to contend with—there was also a great deal of opposition springing from the most honourable and laudable feelings of real commiseration for the poor—a commiseration directing itself rather to individual and personal suffering, than taking a comprehensive view of the condition of the poor, and laying a foundation in hope of permanently bettering their condition. But far from saying one word reflecting on those who looked merely at individual suffering, and most anxious to apply an immediate and practical remedy, still, knowing that there was great opposition to contend with, and fearing, if those parties intrusted with the application of this law had reason to believe that the support of one branch of the legislature was taken away from them, whatever difficulties now existed in the way of the operation of the system would be aggravated to a tenfold degree, if the slightest suspicion were excited, that they were themselves doubtful of the efficacy of the principle, and meditating its infraction, it was most desirable to avoid any step which might appear to throw doubt on the permanency of the law. He believed that, in the application of this system, it had been almost impossible to avoid many cases of individual hardship, and being desirous of ascertaining those cases, and providing without delay a remedy for them, but being perfectly determined to adhere to and support the principle of the bill, while he ascertained how he might best mitigate the severity of its operation, he would vote against the original motion. He gave the highest credit to his hon. friend, the member for Berkshire, who introduced the subject from a sincere desire to benefit the condition of those who were entitled to the sympathy and most indulgent consideration of that House, yet differing entirely from him as to the impression which would be made on the public mind, he felt bound to say, as some unpopularity might attach to the avowal of a frank opinion—and being quite unconvinced from his original opinion in favour of the principle of the measure—he was most anxious that it should have a fair trial. He believed, that its ultimate result would be to rescue the country from an evil which was progressive, and which, if not impeded in its progress, was fraught with most awful consequences, not only to property, but to the independence and moral condition of the poor. He should not hesitate to give his vote in favour of the amendment of the noble lord, which appeared best calculated to maintain the principle of the bill, and yet at the same time, by admitting extensive inquiry, would enable them to devise the most practicable remedies for mitigating its pressure.

Motion withdrawn, amendment carried, and committee appointed.

## CHURCH RATES.

MARCH 3, 1837.

The Chancellor of the Exchequer moved the Order of the Day, for the House to resolve itself into a committee of the whole House, on that part of his Majesty's Speech, which related to Church-rates.

The right hon. gentleman, in a speech of considerable length and ability, propounded the government plan, and concluded by moving the adoption of the following resolution:—"That it is the opinion of this committee, that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to church lands, by the introduction of a new system of management, and by the application of the proceeds of pew-rents; the collection of church-rates ceasing altogether, from a day to be determined by law: and that, in order to facilitate, and give early effect to this resolution, the Commissioners of his Majesty's Treasury be authorised to make advances on the security, and repayable out of the produce, of such church lands."

SIR R. PEEL had not the slightest wish to enter upon a discussion of the details of this measure, thinking, as he did, that it would be much better to reserve the discussion of a matter of such serious importance for that period when such discussion might be expected to end in some practical result; and, above all, in order

that they might have an opportunity of investigating the plan proposed by the right hon. gentleman (the Chancellor of the Exchequer), as the principles of that measure were not quite so apparent to him as to the right hon. gentleman. At the same time he should be sorry, on this occasion, to omit any reference to the impressions made on his mind by the statements of the right hon. gentleman. He thought that nothing could be more satisfactory to those who concurred with him in opinion, than the declaration made by the Chancellor of the Exchequer as to the necessity of maintaining the Established Church. He had no fault to find with this position; but he doubted whether in practice this measure was in exact conformity with this principle. The right hon. gentleman (the Chancellor of the Exchequer) said, that he repudiated altogether the voluntary principle. But did his repudiating the voluntary principle necessarily imply that it was incumbent on the state to support the established religion? If there could be any doubt as to the intention of the right hon. gentleman, his own express words left no doubt as to the principle on which he meant to act. The right hon. gentleman said, that he would not leave it to the voluntary principle to find means of defence; and he added, that it ought not to be entrusted to the voluntary principle to find means of religious instruction. The right hon. gentleman had said, that it was at least as incumbent on them to provide a religious establishment as to provide an army or a navy for the purposes of defence. The moment the right hon. gentleman laid down that position, he excluded altogether the question of religion, or conscientious scruples; because, when the state considers it necessary to maintain an army, it does not inquire whether all persons approve of war, or whether they think it necessary that an army should be maintained; but on an enlarged and comprehensive view, they stated that the army must be maintained by general taxation, and they never inquired of any individuals their opinions as to peace or war. All that was necessary was, to call upon all to contribute equally. If, then, the right hon. gentleman said, that it was equally incumbent on them to maintain a religious establishment as to maintain a fleet, surely it was equally incumbent on them all to contribute towards the support of that establishment, without inquiry into the peculiar opinions of each. The right hon. gentleman had even said, that it was the duty of the state to provide free sittings for the poor of the country. But did the right hon. gentleman propose that the state should provide free sittings? Not at all. The right hon. gentleman abandoned all means whereby the state could provide free sittings; and notwithstanding all his professions, and the resolution that it was necessary to maintain an established religion, the right hon. gentleman meant that this measure should have this effect—that the state should not provide free sittings, but that the church should. He would say nothing as to the lessees at present. There had been no time to consider as to the justice of refusing lessees of church property to contribute towards the maintenance of the church. But he did not object to this measure on the part of the lessees; he objected to it on much higher grounds than the interests of the lessees. The noble lord had said that the church community had abandoned the idea of requiring lessees to contribute towards the endowment of poor livings. Now he thought that the lessees were at least as likely to concur in any measure, the object of which was to provide for the small livings of ministers of religion in populous places—they were as likely to concur as any who at present contributed. But by this proposed measure, not only were the Dissenters relieved from contributing to the maintenance of the fabric of the church, but the landholders were relieved also, and the charge was continued on the lessees of the church. Admitting, for the sake of the argument, the claims of the Dissenters to be relieved on the ground of conscientious scruples, he would ask, why should the landholders of England, who were members of the Established Church, be relieved also? Nothing appeared to him more just than the principle laid down by the Chancellor of the Exchequer as to the necessity of the state providing for the establishment; but it appeared to him, that it would naturally sever the connection between the church and the state if they were not only to abolish church-rates, but to throw the whole weight of them on the church. He did not understand why the landholders of England, who were members of the Established Church, should be relieved altogether from all charges for the maintenance of the fabric of the church. If they made up the deficiency by direct contribution from the state, of course his objections would

not apply; but at present the effect of the measure would be to throw the whole charge upon the lessees of church property, relieving altogether those upon whom there was the strongest obligation to contribute, namely, those members of the church who were possessed of large property which had been acquired or inherited subject to this charge. He admitted, with the Chancellor of the Exchequer, that unfortunately differences had arisen on this question. As one of those who were anxious to support the church, he would willingly come to a settlement of this question; but he must at the same time say, that a great difference of opinion prevailed on the subject of church-rates, that the opposition to them was mainly confined to the large towns. But he had also no doubt that in rural parishes—unless dissent prevailed to a considerable extent, and the majority of the inhabitants were Dissenters—he thought that with respect to the great mass of the rural parishes, he might venture to say, that they were almost universally of opinion, that they would be better if left alone. Not only did they not wish to be relieved, but he believed that they felt a pride when they looked on the venerable fabric which was their chief architectural ornament; and, apart from religious associations, he believed that, so far from relieving their tender consciences, they would offend them by relieving them from the obligation of supporting their church. He spoke of the rural parishes. But, waiving the consideration whether or not this charge was fairly laid on the lessees of the church, if he came to the conclusion, that the lessees were so circumstanced that you could extract from them, in some way or other, a revenue of £250,000 a-year—if he came to that conclusion, then he should feel bound to contend, that there was a prior claim upon that annual revenue than any that could rise from the obligation of supporting the fabric of the church. He would ask any hon. gentleman to consider the facts he would briefly state to the House. In the diocese of Chester there were thirty-eight parishes, containing an aggregate population of 860,000 souls, whilst there was only church-room at present provided for 97,000, so that seven-eighths of the population in these thirty-eight districts were without any church accommodation. In the diocese of York there were twenty districts, with an aggregate population of 502,000, and yet church accommodation was provided for only 48,000, or one-eleventh of the whole population. In the diocese of Lichfield and Coventry there were sixteen parishes, having an aggregate population of 235,000; and there was church accommodation for only 29,000. From what fund were they to provide church accommodation? If they could prove that, with perfect justice to the church, without diminishing the independent station of the bishops, and without injury to the interests of the lessees—if, above all, they could raise such a sum as £250,000 more than had hitherto been calculated upon, could they negative the claims of those populous districts, which ought first to be attended to—or could they bestow that revenue better than in providing religious instruction for those who had not now the means of hearing the word of God? He would not then enter into the arguments that had been used, but he hoped that the noble lord had expressed the intention of the government with respect to the new revenues charged upon the pew-rents, as he readily admitted that it would be just to require from those who had the means of payment, and were known to be in affluent circumstances, or rather in comfortable circumstances, that they should pay for the benefit of a pew. But with respect to the rural parishes, not merely as regarded the destitute poor, but the farmers of the country, a different principle should be adopted. If, for the first time for centuries, they were to be driven from those pews which they looked upon as a species of freehold, to which they were entitled without any payment, it would create in their minds a strong feeling of disgust. But he understood the noble lord (Howick) to make a clear distinction with respect to rural parishes, and to give an assurance that they would not be subjected to the operation of this measure, for the purpose of extracting a revenue. He would not then enter further upon this subject. He merely stated the impression made on his mind by the speech of the Chancellor of the Exchequer; and he would venture to say, that if there was a sufficient fund disposable, the first claim was, either to raise the stipend of those ministers who had not £200 a-year, or to attend to the still more pressing demand—to raise from the condition of religious destitution between seven-eighths and nine-tenths of the people, who had not the means of hearing what that religion was of which they boasted so much.

The House resumed; the committee to sit again.

## SPAIN.

MARCH 10, 1837.

In the debate arising out of some remarks by Viscount Mahon's relative to the foreign policy of government, and more particularly as respected the present position of this country with regard to Spain—

SIR ROBERT PEELE, in reply to Lord Palmerston, said, that the noble lord had, on this occasion, pursued the course which he could say, from experience, the noble lord had uniformly pursued, and with the same result, whenever the foreign policy of this country was brought under consideration. After having spent three-quarters of an hour defending his policy, and having put one-half of his supporters in a comfortable state of repose, and not having gained from the other half a single sympathetic cheer in favour of his acts, he then found it necessary to disturb the soundness of some and to excite the enthusiasm of others, by imputing to his opponents a participation in the love of despotism, as if it were necessary to be partisans of Don Carlos because they disapproved of the policy of the noble lord—as if it were not possible to entertain a doubt about the justice of the noble lord's acts, and the result of his foreign policy, without, at the same time, wishing to check the career of improvement in Spain, and to blast her hopes of acquiring settled and constitutional institutions. He, for one, openly disavowed all participation in the principles, or sympathy with the cause of Don Carlos. He was only repeating language he had emphatically used before. If he acted in the fulfilment of a treaty, by which the Queen of Spain was recognised as the ally of this country, was it necessary to claim credit for not entering into any secret artifice for the purpose of preventing her success? He would not say that the objects of British policy would be advanced by the success of Don Carlos. He begged to state also, distinctly, that he wished to see Spain enjoy settled liberties, and that under such institutions as may be most conducive to her happiness, and best calculated by their slow progress to establish her settled freedom. But, while he entertained these opinions, at the same time, he must tell the House that he believed that our policy was defeating the cause of improvement—defeating it by our meddling and interference, and our deserting the principle of our support, namely, the principle of non-intervention; and by our having taken a course neither calculated to raise the character of England, nor to acquire the affections of Spain. The noble lord had twice intimated that his noble friend had regretted the gloomy prospects of despotism. His noble friend had expressed no such regret. Had not the noble lord himself, at the conclusion of his speech, stated that his noble friend had declared that Spain had been reduced to the state of degradation into which it had fallen by the long continuance of arbitrary government? The noble lord had twice repeated this passage in his noble friend's speech. How then could the noble lord feel regret at the partiality manifested by his noble friend for despotism? The noble Lord had told them what were the objects of the Quadruple Treaty; he would like to hear the noble lord declare whether the objects of that treaty had been fulfilled. At the same time, he must again repeat that that treaty having been ratified, must, in his opinion, be fulfilled; and that not only in the letter but in the spirit. But he must say, that it was competent for him to entertain different opinions from the noble Lord as to the original policy of that treaty. The noble lord had told the House that the objects of that treaty were four or five in number. The first was to protect the interest of our commerce in the Peninsula. He would ask the noble lord how far had he succeeded in that object? The noble Lord had stated, that the British merchants in Spain were all satisfaction. The noble lord would have an opportunity of giving a distinct opinion on that head very shortly, as he believed that an hon. friend of his intended to bring under the notice of the House, in a separate discussion, apart from politics, the present state of our commerce in Spain. Did the noble lord mean to say, apart from the complaints of our merchants, that the general policy of Spain towards this country was favourable? Did the noble lord mean to say, that the feelings of the inhabitants of the Peninsula had been improved very much towards this country? Look to Portugal. Did the noble lord pride himself on our commercial prosperity there? Since the establishment of our noble lord's free institutions

in Portugal, since the triumph of the cause of Donna Maria, did the noble lord mean to say, that the trade of this country had been put on a more favourable footing? There had been universal complaints on the part of the merchants of this country of the hostility manifested towards the commerce of England. The original object of the Quadruple Treaty was to furnish naval aid for the purpose of effecting a blockade. It was discovered that they had no right to establish a blockade, that it was against the law of nations. The aid to be afforded to Spain was simply naval aid; but how could the noble lord reconcile with the treaty the suspension of the Foreign Enlistment Act, by which 10,000 of our own forces were sent to the armies of the Queen of Spain? They had afforded, therefore, military aid—but to one of the belligerent parties only. These forces were nominally in the pay of the Queen of Spain if they received any; but did not this country supply them with arms, ammunition, &c.? The noble lord wanted to establish free institutions in Spain. Was the noble lord delighted with the institutions he had established in Portugal? The noble lord had afforded his moral aid as far as he could go. If the noble lord was satisfied, what was the object of having six sail of the line in the Tagus? Was it to protect British merchants? There was an example of the prepossession in favour of the English name in Portugal. This was the affection and love which Portugal bore to the British name! In consequence of our former interference six sail of the line were requisite in order to protect the persons and property of British merchants. Another object of the noble lord was the pacification of the Peninsula. Had the noble lord succeeded in this object? No man of truth could assert at that moment that Spain was in a better state with respect to internal pacification than before we interfered at all. The noble lord spoke of the horrors committed by Don Carlos, and of the application of the Durango decree to British soldiers; and he had introduced it for the purpose of eliciting a cheer from his own side of the House. Why did not the noble lord inquire into the details of the abominations that had been committed on the other side? Why did he not mention the murder of the mother of Cabrera? He asked the noble lord, and the House, whether these scenes were not the result of the noble lord's own policy? He asked the noble lord whether any man could rejoice in such abominable and sanguinary excesses? The noble lord said, the object of our intervention in Spain was for the purpose of giving Spain an established and settled form of government. Had Spain, in consequence of our intervention, a greater prospect of obtaining established, settled, and permanent institutions. The noble lord had talked of the universal respect entertained for the British name. Did the noble lord mean to say, that the people of Spain cordially co-operated with General Evans? Had they not shown a manifest jealousy of the gallant troops of England? Had they not shown a manifest reluctance at their triumphs, and an aversion that her institutions should be established by their means? Their interference had been attended with no good result in Spain up to this moment, and had not in the slightest degree tended to the establishment of a settled form of government in that country. The noble lord said, that our past policy had been most wise; that by confining our exertions to naval assistance, we had rescued ourselves from the risk of mixing this country up in the civil contests of Spain. If this were the opinion of the noble lord, it was not the opinion of the author of this pamphlet on the affairs of Spain, of which the noble lord, though he said he was not the author of it, at the same time avowed that he adopted all its sentiments. According to the policy of this writer, whose fame the noble lord envied so much, as expressed in the concluding paragraph of this pamphlet, which would now derive additional weight and importance from the opinion expressed upon it by the noble lord—according to the concluding paragraph of this pamphlet, the author appeared to be so distrustful of the success of our naval co-operation that he said—"A few troops sent to Spain, to which Spanish divisions would be attached, and a guarantee of a loan for which ample security would be given to us, are all that is wanted to make Spain tranquil, and England even more honoured and respected than she already is." Naval co-operation, it appeared then, was not sufficient; it was not so wise as the noble lord had described it. If the noble lord would but consult this pamphlet, of which he wished he was the author, he would find that a few troops, not acting by virtue of the suspension of the foreign enlistment act, but marching under the flag of England, were required to form the nucleus of the Spanish army, and a loan for which England



was to be the guarantee, in order to accomplish the tranquillity of Spain. The writer of this pamphlet then proceeded to observe: "We repeat the hope that such a measure may be proposed by the government to parliament, or by parliament to the government, and that it may be executed with the energy and determination that should always characterize the policy of England." The noble lord was of course waiting till this loan and this military co-operation were forced upon him by parliament. He fancied that the noble lord would have to wait a very long time before such would be the case; and if the noble lord, tired of waiting, were, *proprio vigore*, to make such a proposition to parliament, which had shown itself unwilling to originate the measure—if the noble lord did so, he thought he could venture to assure him that the same congratulations which he had to-night heard from the hon. member for Shaftesbury, the same *curiosa felicitas* which had distinguished his labours on the present occasion, would attend him when he made his proposition for a levy of 10,000 men, and a large loan upon our guarantee. The noble lord said, that one object of the Quadripartite Treaty was to consolidate and cement our alliance with France. He should rather gather from the language of the noble lord to-night that this great and paramount object had not been altogether attended by it. The noble lord further asserted, that our alliance with France was founded upon a consideration of mutual interests and an identity of institutions. [Mr C. Wood, "He said nothing about that."] The hon. gentleman declared that the noble lord had said nothing about it. He feared that the secretary for the admiralty had been visited by that fit of somnolency to which he had already alluded during great part of the noble lord's speech, reflecting, probably, that the estimates were the proper subject of debate, and that all the various topics which had sprung up on the occasion had very little to do with the matter. He begged to assure the hon. member, however, that the hon. gentleman was wrong. The noble lord did state that an intimate alliance subsisted between the people of England and of France, founded upon institutions of a similar character and an identity of interests. He agreed in the hope expressed by the noble lord. He sincerely trusted that the good understanding between England and France might be founded upon an intimate and sound feeling of good will and mutual interest. He did hope that the national jealousies which had so long subsisted between the people of these two countries were daily vanishing under the genial influence of a better knowledge of each other's character, and a proper regard for their respective commercial advantages. He believed that a good understanding with France was a matter of very great importance to this country, and he should be glad to see it promoted by every means in our power. But he did not think that with a view to confirm this friendly understanding it was necessary to adopt a treaty, binding this country to interfere in the affairs of Spain. There was some reason to fear that the treaty had not been religiously adhered to. At least there was, he must say, an extraordinary absence of all mention of the co-operation of France in the speech of his Majesty at the opening of parliament, while, on the other hand, there was a paragraph in the speech of the king of the French, at the opening of the Chambers in Paris, which, without being intended to cast the least stigma upon our policy, certainly pointed in unequivocal terms to the inexpediency of any nation permitting its subjects to appear as soldiers in another country under any other colours than its own. That paragraph, to say the least of it, was calculated to awaken some unpleasant reflections in the minds of all Englishmen who read it; and added to the marked silence of all mention of our good understanding with France in the speech of his Britannic Majesty, and the strong terms of reproach on the conduct of the French government in respect to that treaty contained in this pamphlet, of which the noble lord wished so much he had been the author; all these circumstances, taken into consideration, must lead one to the unwelcome suspicion, that, as far as our good understanding with France was concerned, this quadruple treaty had not been quite so successful as had been anticipated. He did not concur with those who complained of the conduct of France in this affair, or think that there were any just grounds of complaint against France for having violated the obligations which she took upon herself by that treaty. When the noble lord proposed to France that she should march into Spain and occupy certain parts of that country, the noble lord might argue that that did not amount to a co-operation with Spain; he might call it translimitation, or any other name he pleased; but he was

rejoiced that France had not taken the noble lord's advice, and had refused to march into Spain as the noble lord desired. He rejoiced at it because the experience of all history, and that of Spain in particular, taught them that though France might march into the Spanish territories, and, by so doing, succeed in producing a temporary adjustment of hostilities—that adjustment could only be temporary, and would not end in the permanent establishment of good and independent government. That, however, was the object they ought to have in view—not such a system of government as they might fancy abstractly the best, but such as might best suit the character and manners of the Spanish people. He wished to see as little despotism enter into the scheme of such a government, and as much liberty as the genius of the people would allow of; and, in fact, that the result should be to lay the foundations of liberty, concord, and order. What he (Sir R. Peel) doubted was, whether this desirable consummation was likely to be attained by this treaty, which bound England to a certain line of policy; and least of all had he expected such a course to have been espoused by the noble lord opposite, who had so frequently lauded the principle of non-intervention in that House. He thought it had been clearly laid down by Mr. Fox, and all the other Whig authorities, that whatever might be our advantages in trade, or our own domestic policy, we were not to attempt to impose them upon other countries, but to leave other people to judge what institutions were most congenial to their circumstances. He believed that this principle was a wise one, subject, of course, to certain exceptions. In Portugal, for instance, from our peculiar commercial arrangements with that country, and by our treaty of offensive and defensive alliance with her, we were bound to defend her from foreign attack; but even this arrangement gave us no right to interfere in the internal policy of that country. But with Spain we had no such treaty, and certainly had no right to interfere there in a question of succession to the crown. It might be very true that the inhabitants of the Basque provinces were very unwise in choosing to retain their peculiar privileges to the exclusion of the rest of Spain; it might be desirable that they should entertain the same doctrines on the subject of free trade as the right hon. President of the Board of Trade; but that was no reason why we should make war upon them. It was from no mercenary views that they rallied round the standard of him whom they conceived to be their legitimate sovereign; and every one must regret the obstacles which such conduct threw in the way of the peaceful settlement of Spain; he (Sir Robert Peel) must still regret, that foreigners, and particularly countrymen of his, should be engaged in destroying men who were acting upon conscientious motives, and in the discharge of what they conceived to be their duty. He did not believe that from a force so employed any ultimate good could result. If Spain was divided between two parties, the one perfectly contemptible in numbers, and occupying but a few square leagues, as was alleged, why could not the Queen's government, by her own exertions, establish its power? The noble lord admitted that Gomez marched all through Spain, and that he met with no insurrection; but the noble lord said he found no support. The noble lord said, that when Don Carlos kept to the mountains he was secure, but when he ventured into the plains he was to be crushed at once; but Gomez had marched through the whole of Spain; and this was urged by the noble lord as an argument that Spain was in favour of the Queen. Either he must think that Gomez was gifted with a military genius amounting almost to inspiration, or else, which seemed probable, he must have found efficient aid in some lurking attachment to the cause to which he was engaged. Be this as it might, either one party greatly preponderated over the other, or were pretending, in the language of churchwardens, "to abate a nuisance" in Spain. But we were first to determine what was a nuisance. And when we had done that, would the noble lord state one reason why England should put itself forward to abate a nuisance in Spain? But if it were a mere nuisance—not a civil war, but something in the nature of one—why could not the government of the Queen of Spain, with the good will, according to the noble lord, of all the great towns, and all the landed proprietors of the country, in its favour—why could not the government in possession put it down? Or would the noble lord account for this phenomenon—would he tell the House how it was that 10,000,000 Spaniards did not rally, and, by a single effort, crush the "rebel force" of 30,000 men? His noble

friend (Lord Mahon) had very sensibly asked how it happened, that, out of that army of 30,000 men, 313,000 should have been returned, on the authority of the Spanish government, as the number of the Carlists killed? He would tell his noble friend why this was so. It was because this country had already supplied 313,000 muskets; and that was the precise number as he would find by the printed return—and it was probably deemed but a decent compliment to give the credit of one death to each British musket. However, if the fact were, as they on that side of the House concluded, that Spain was at present unequally divided between two principal parties, one of which could not overcome the other, except by assistance from Great Britain, of arms, and men, and military stores; he said, that the history of all European countries—but that of Spain in particular—led him to entertain the apprehension, that, although our arms might establish a temporary peace in Spain—although by the moral aid and joint political exertions of France and England, they might put down Don Carlos, and sweep the provinces of Navarre and Biscay of all the irregular troops which now occupy them, they would never by such means establish permanent tranquillity in that country. He entertained, he repeated, the most serious apprehension, that the government which was to succeed, founded, as it would be, on the intervention of foreign bayonets, would not, in the end, lead to so settled and permanent an establishment—would not give such lasting securities for the preservation of liberty and order, as it would have combined if England had permitted these parties—relying on their own energies, and not taught to repose a false confidence in foreign interference and our assistance to settle their own disputes, and if England had allowed their government a period of twelve months to take root in its own soil, in the affections of its own people, without any attempt at intervention. In that case the stability of such a government being founded upon the efforts, and sanctioned by the attachment of the people, would have supplied far greater security for liberty, and peace, and order, than any foreign intervention could ever afford.

Viscount Mahon declined bringing forward any motion on the subject, and expressed himself contented with the discussion which had taken place.

## CHURCH-RATES.

MARCH 13, 1837.

The House in committee on the resolution concerning church-rates, proposed on the 3d of March. The resolution having been read,—

SIR ROBERT PEELE rose thus early, because he desired to have an opportunity of submitting to the House, in a connected form, the view he took of the question which the resolution involved, because he knew by past experience, that when any member of that House postponed to a late period of the night the observations which he might think it necessary to make, he generally found great difficulty in carrying on a connected chain of reasoning; and it became, under such circumstances, not only difficult to preserve continuity and connection, but most difficult to avoid noticing observations made in the course of the discussion; and still further, because in addressing the House at a late hour of the evening, there existed so much temptation to that vehemence and asperity which might add something to the animation of debate, but nothing to its effect in influencing the reason or deciding the judgment. He wished in approaching this question to accept the invitation of the right hon. gentleman opposite (the Chancellor of the Exchequer), and enter upon the discussion in a temper purified from party feeling, forgetful of party predilections, and full of an earnest desire to discuss the question upon its real merits. For these reasons, then, had he resolved to present himself thus early to the House, and enter upon the consideration of the question then before them with an anxious desire to effect its early and satisfactory settlement. He need hardly say, that he rose under a deep sense of the importance of the subject. He was not insensible to its inherent difficulties, and he had not forgotten, that those difficulties had been much increased by the proposal which the King's government made in the year 1834, which proposal was tantamount to a condemnation of the present system. On account of the interval, too, which had elapsed since that measure was proposed, and on account of

its subsequent abandonment, the difficulties of the question had been considerably augmented. Of all this he was fully conscious. There was no hon. member who could fail to be aware, that the subject of church-rates had assumed an entirely new position, in consequence of the proposition which three years ago had proceeded from the responsible ministers of the Crown; still he did feel impelled by a paramount sense of duty to state the grounds upon which he had arrived at a different conclusion from the King's government on this most important occasion. Not disguising from himself any one of the difficulties which accompanied an examination of the subject, and not insensible to the difficulties inseparable from its settlement, he yet should say, that there were none of them at all comparable to the difficulties necessarily attendant upon an acquiescence in the measure of the government. In speaking of the plan which in the present session of parliament had been submitted to the House, he could not otherwise describe it than as a plan for the total abolition of church-rates,—that the land and other property in this country, whether held by Dissenters or by persons in communication with the Church of England, should in future be free from all liability to the payment of church-rates, and that in all time coming it should be the church itself, and not the state, that was to provide for the expenses attendant upon the repair of the fabric of the church. That was the proposition laid before parliament, and upon that the House had to decide. The question he should proceed to consider in three separate points of view—first, as a financial measure; secondly, as to its being in conformity to authorities respected in that House; and thirdly, in reference to its conformity to sound policy and justice. He desired, in the first place, to submit the merits of the plan to the test of calculation, next to that of authority and reason, and lastly to that of justice and sound policy. It appeared to him the first of these subjects to which he proposed to call the attention of the House was in the highest degree important, for it was to his financial operations that the Chancellor of the Exchequer referred with the utmost confidence. The right hon. gentleman had acknowledged, that if he were wrong in these, he must fail altogether; by his calculations he was willing to stand or fall. If his estimates were incorrect, or his inferences erroneous, the right hon. gentleman unreservedly admitted, that his whole scheme must fall to the ground, by the application of that test, the right hon. gentleman was willing to be judged. No one could be more sensible than he was of the difficulty of examining in a popular assembly the data and the results of an arithmetical calculation; he therefore earnestly requested that hon. members would lend their attention to his observations, which he hoped to make clear to all who heard the statement, or made themselves acquainted with the plan of the Chancellor of the Exchequer. The right hon. gentleman assumed, that a certain charge was to be provided for, amounting to £261,000, at which sum he estimated, on an average of three years, the annual payment of fines to bishops, and deans and chapters. Those formed the only data upon which the plan rested; but if the right hon. gentleman had taken more than three years, he would have found the average less than £261,000. There was no doubt, that the more the range was extended, the more would the amount of the average be diminished; but for the purpose of his argument, it was not necessary that he should establish the fallacy of the average; he would assume, that the right hon. gentleman was correct, and it was therefore established, that he had to make provision for an annual payment of £261,000. The Chancellor of the Exchequer then proposed to allot a sum of £250,000 for the repairs of the fabrics of the church. These two sums together gave a total of £511,000; that was the permanent charge for which, in the first instance, the right hon. gentleman had to provide. The charge of managing that fund he wholly omitted. He had proposed, that the management of an immense landed property, with mines, houses, and tithes, should devolve on a commission composed of a certain number of archbishops and bishops, who had no direct pecuniary or personal interest in the advantageous management of that property; with these it was proposed to associate a certain number of official persons, whose time already was exceedingly occupied with other matters; and then there were to be added three paid commissioners, on whom the actual practical duty he presumed would devolve. As the House must well know, the property to which he referred was distributed throughout England and Wales; it was subject to various descriptions of management—to mortgages, to settlements, to varieties of

tenure, and to different customs; he therefore apprehended, that the charge of management would bear a very large proportion indeed to its rental, to say nothing of the general objection to the state becoming a great landed proprietor, and the disadvantages inseparable from those who exercised the management being persons having no direct interest in the land. The land revenues of the Crown amounted to £240,000; its management intrusted to a board was much less complicated, the surveys much less expensive than those for the church property, yet the charge for management was £25,000; the estimate given him was £28,000, but he preferred stating it at £25,000, for he wished to keep within the actual amount. The gross rental of this property had been estimated at £1,322,000; the receipts by the deans and chapter, &c., was £541,000. He thought, then, he should not estimate it extravagantly in fixing the charge for management at £30,000. Assuming that the total charge of £511,000, given by the right hon. gentleman, to be correct, the sum of £30,000 added to it for management gave £541,000. It had been stated to them how it was proposed to provide for that charge. The right hon. gentleman had said, that £261,000 was the amount of fines, and he assumed the average period of the duration of leases for lives and years was twenty-four years, with an allowance of seven per cent. to tenants upon renewals: taking all these for granted, he inferred the gross amount of the landed property to be £1,323,000. The right hon. gentleman then said, he had a deferred annuity of £1,323,000 to commence at the end of twenty-four years; and estimated the present value of that at £516,000. In speaking on this subject he did not wish to take any thing for granted; he wished the House to be satisfied that every thing stated had been proved; and if he did not succeed in making himself clearly understood, he begged hon. members might interrupt him, their doing so would save the time of the House. It appeared, then, that £516,000 was the present value, while £541,000 was to be provided for; there was, therefore, a deficiency of £25,000. An annuity of £541,000 for twenty-four years, at four per cent., would be worth £8,248,607, if converted into capital at the present time. There remained a difference of £782,000 between the specified sum of £541,000, and the value of the landed property of the church, which, according to the calculations of the Chancellor of the Exchequer, amounted to £1,323,000. Now, an annuity (for ever) of £782,000, deferred for twenty-four years, at four per cent., was worth £7,626,875. Therefore, the loss of the Chancellor of the Exchequer, upon his financial plan, assuming that all the *data* of the right hon. gentleman were correct, would, if estimated with reference to the present capital, be exactly £621,732. The loss sustained by taking the deferred annuity, in accordance with the Chancellor of the Exchequer's plan, as compensation for granting the proposed arrangement, to commence immediately, would be upwards of £620,000, and equivalent to an annuity of £24,869. He was here assuming that the *data* and the calculations of the right hon. gentleman were all correct. He, however, doubted their correctness; and he did hope that, whatever might be the opinion of the House with regard to the principle of church-rates, hon. members would all see the necessity of declining to embark upon this financial speculation until they should have acquired more accurate information than they at present possessed, and had better means of judging as to the sufficiency of the ground upon which the proposed change was sought to be established. The Chancellor of the Exchequer calculated the average subsisting term of leases, both for lives and for a term of years together, to be twenty-four years. With reference to this part of the subject he would beg to observe, that it was easy enough to calculate the average subsisting terms, where the terms were for years; but, unless they were made acquainted with the whole of the leases for lives—unless they could know the exact proportion which the leases for three lives bore to those for two lives, and which both these descriptions of leases bore to the leases for a single life, it would be exceedingly difficult to draw a correct inference, or strike anything like a fair average. He had had access to the leases for lives in the case of one bishopric in England,—he alluded to the bishopric of Gloucester. In that bishopric he found that there were 102 leases for lives; seventy-five of these were held on a tenure of three lives—seventy-five (he begged the House to observe) out of 102; and the average subsisting term of these seventy-five leases was not less than nearly thirty-eight years. Suppose that the average subsisting term of ecclesiastical property was twenty-six years instead of twenty-four, this slight change

would involve the complete destruction of all the right hon. gentleman's calculations, because he would then have to meet the permanent charge of £541,000 for twenty-six years instead of twenty-four. The fact of his not coming into possession until two years after the stated period, would totally derange the right hon. gentleman's calculations. Suppose it were to turn out that the average subsisting term was thirty years instead of twenty-four, the loss to the public would amount to many millions. He was speaking merely of the Chancellor of the Exchequer's financial plan; he would not mix up with his present observations anything of politics—anything that did not properly belong to the merits of his scheme, considered as a financial proposition. Suppose, for argument's sake, that the average subsisting term was neither more nor less than twenty-four years; suppose that this fact had been positively ascertained, though he must observe that it was utterly impossible to ascertain the average subsisting term—to acquire a knowledge of the real value of the church's rental, without a minute and accurate survey of the value of the leases respectively,—conceding it to the Chancellor of the Exchequer that he was right in assuming the average term to be twenty-four years, still he defied the right hon. gentleman to ascertain the real value of the rental of the church lands. Suppose that the larger proprietors held leases of longer terms, that their leases were for three lives, and that the smaller were for two lives or for one, this variation would not affect the average subsisting term, but it would influence, in a material degree, the value of the reversion. He would ask the House, then, whether there did not exist a great probability, that in proportion to the value of a property, care would be taken to renew the lease by virtue of which it was held? In case it should appear that the leases of valuable properties had been, generally speaking, renewed, after payment of the proper fine, upon a life falling in, the Chancellor of the Exchequer would then find himself in this position:—He would have calculated with accuracy (so it was, for argument's sake, conceded) the average subsisting term, but would have afforded no indication whatever of the real value of the rental which, at the expiration of this term, the state would receive in lieu of its permanent charge of the church. Admitting, then, that the average subsisting term was twenty-four years, he repeated, that unless the right hon. gentleman had access to the whole number of lives, and knew the value of the leases in each, it would be impossible for the right hon. gentleman to draw any inference as to the value of the aggregate rental. It was quite evident that the value of these leases in the aggregate depended on the value of the lives in each separate case. The fact whether the lives named in a lease were those of children or of persons more advanced in life—whether they were of the male or of the female sex, particularly in the case of children, would make the greatest possible difference. If the life in one of these leases were that of a young child, the right hon. gentleman must ascertain whether its age was seven or fourteen years before he could determine the value of the life; and he must go through this painful and laborious inquiry, in every case, before he could ascertain the aggregate, or strike with accuracy an average number of years. The next assumption of the right hon. gentleman was, that seven per cent. was the average rate of interest allowed on the renewal of leases. Here, again, if the Chancellor of the Exchequer were in error, and if seven per cent. were not found to be the average rate of interest, his calculations were wholly erroneous, and his entire plan must fall to the ground. The right hon. gentleman, in support of his view, had produced some calculations with reference to the see of Durham. He, however, must protest against any general inference being drawn from the circumstances of that particular see. The property in that see consisted in a great part of mines, and a very large rate of interest was allowed in Durham upon the renewal of these leases—a rate of interest so high as nine per cent. He need not enter into details upon this subject, further than to state, that special reasons existed in that diocese by which the value of land was affected. He alluded chiefly to what was termed a “way-leave,” or permission to pass over the lands, which prevailed throughout that see, and which was a natural reason for the allowance of a larger rate of interest on renewals. Again, then, he affirmed, if the right hon. gentleman were wrong in saying, that seven per cent. was the average rate of interest, that his calculations must altogether fall to the ground. He believed, that the average rate of interest allowed upon those renewals was considerably less than seven per cent.; and in making this statement he was justified by the result of an inquiry which he

had instituted with a view to ascertain exactly what was the practice with regard to this matter. His inquiry extended to the dioceses of Canterbury, London, Winchester, Lincoln, Chichester, Oxford, and Salisbury; and to ascertain the practice with regard to renewals he put the questions and received the answers which he would read to the House.

“1. When a lease for lives or years is renewed, what measures do you take in order to ascertain the value of the property?—I employ a respectable surveyor to survey his property, and to make a report of the annual value and outgoings, so as to show me the net annual value clear of all deductions.

“2. The value having been ascertained, how do you calculate the sum which should be paid for the renewal of leases on lives?—I multiply the net annual value so ascertained by such number of years' purchase as (allowing the lessee to make five per cent. of the money to be paid by him) the Northampton mortality tables allow for the benefit to the lessee of adding a life or lives of his own selection, taking into consideration the ages of the existing life or lives, and taking for granted that the lessee will make the best selection.

“3. Do you apprehend that the estates belonging to the prebendaries, who are corporations sole, are managed on the same principles?—For the most part. Prebendaries being corporations sole, who have renewed leases for lives, under my observation, I have adopted the same principles.”

Thus it appeared that the rate of interest in respect of these episcopal lands was five, and not seven per cent. The individual of whom he made the inquiry was Mr. Hodgson, who had an extensive charge of the management of ecclesiastical rents. But the Chancellor of the Exchequer would no doubt say, that, in many instances, seven per cent., eight per cent., and even nine per cent., was allowed; and that, placing the cases in which the rate of interest was eight or nine per cent. against those in which only five was allowed, he was justified in striking the average at seven per cent. It was true, that, in the case of house property, a high rate of interest was allowed upon the renewal of leases; but never, except in extraordinary cases, upon leases of land. In the case of houses, seven, eight, and even nine per cent., might be allowed; for who would take the lease of a house, subject to its various incumbrances, without an allowance of more than five per cent.? A large rate of interest was allowed in the case of house property, because the lessee indemnified the church from three important charges—first, from all insolvencies of the actual tenants, and from recovery of the yearly rent by legal means; secondly, from the whole charge for repairs and new constructions; and, thirdly, from the charge of insuring against fire. It was, therefore, perfectly just that a distinction should be drawn between house and landed property, and that eight or nine per cent. should be allowed on the former, while it was only five per cent. on the latter. What was the result of the rates of interest, in connexion with these two distinct kinds of property, being confounded? Why, that even if he were to concede to the right hon. gentleman the position that the present rental of the church was £1,323,000, still, as the right hon. gentleman had made no allowance for the difference between household property and landed property, the House had no evidence whatever that the sum of £1,323,000, which it was assumed that they should be entitled to receive at the expiration of twenty-four years, would purchase anything like an annuity of £511,000. On this point he had consulted a gentleman eminent for the accuracy of his calculations, and the following were his answers to queries submitted to him:—“Queries:—The average improved rental of church leases is £1,323,000 a-year. It is estimated that, on the average, in twenty-four years, all the church leases will run out; and, therefore, there is a reversionary interest of £1,323,000 as a perpetual annuity, at the end of twenty-four years. Question the first—‘What annuity, to commence from the present time, is equivalent in value to the perpetual annuity of £1,323,000, to commence at the end of twenty-four years?’—Answer—‘The equivalent perpetual annuity, to commence immediately, is £516,190, computing the fee-simple at twenty-five years' purchase.’—Question the second—‘If this sum of £1,323,000 is derivable as to three-fourth parts thereof from the rents of land, and one-fourth part from the rack rents of houses, what annuity, to commence from the present time, is equivalent to the rent of £1,323,000 a-year, having regard to the perishable nature of household property, and the permanent nature of land?’—Answer—‘The equivalent perpetual annuity

should, in this case, be £468,730, computing the land, as before, at twenty-five years' purchase, and the household property at sixteen two-fifths years' purchase. 'Taking the household property in fee-simple, however, to be worth fourteen and a-half years' purchase, instead of at sixteen two-fifths, which is a very moderate reduction, as compared with the reduction of land from thirty to twenty-five years' purchase, the perpetual annuity will be £452,300—Arthur Morgan, *Equitable Assurance-office*, March 10, 1836.' 'But the true proportion for the household property, the fee-simple of the land being reduced from thirty years to twenty-five years, was at thirteen and a fraction years' purchase. N.B. Taking the land at thirty years' purchase, the equivalent perpetual annuity on the whole property is £602,000.'

But the land was estimated at thirty years' purchase, and the Chancellor of the Exchequer proposed a bonus of five years' purchase to encourage the lessees to buy out perpetuities. What did that right hon. gentleman propose to do with respect to household property? The owner of land which was equivalent in value to thirty years' purchase, might be very happy to be allowed to purchase at twenty-five years; but taking the interest in a lease of household property to be worth about sixteen or seventeen years' purchase, in order to induce the tenant in this case to purchase a perpetuity, it would be necessary to give him a corresponding advantage. If this advantage were given, it would be requisite to reduce the number of years' purchase of his house from sixteen and a-half to fourteen and a quarter, a very moderate reduction (as stated by Mr. Morgan), in order to enable the lessees of household property to purchase upon something like the same terms which were allowed to the lessees of land. The equivalent perpetual annuity would, in such case, be £452,300 to meet a demand of £541,000 per annum. Arguing, then, from the very data assumed by the Chancellor of the Exchequer, the permanent charge to be provided for would far exceed the amount, which, according to the proposed plan, was destined to meet it, and by assuming that the value of ecclesiastical property, of every description, was equivalent to twenty-five years' purchase, the Chancellor of the Exchequer precluded himself from compensating for the loss which he would thus sustain on the one hand, by increasing the charge on the other. Every man, the right hon. gentleman had said, might obtain a perpetuity at twenty-five years' purchase. It would surely, however, be vain (as every hon. member must perceive) to offer to a tenant of household property the option of purchasing at twenty-five years, while the property was confessedly not worth more to him than sixteen years' purchase; and they must, consequently, make a proportional deduction from the annual rental which they would be entitled to receive for the next twenty-four years—a deduction amounting to almost one-fourth of the whole, so that the annual income would be £452,000 instead of £541,000. Convert that sum into capital, and proceed with the proposed plan, and the Chancellor of the Exchequer might depend on it that the final loss on his financial scheme would amount to some millions. Supposing thirty years to be the average subsisting term, instead of twenty-four years, an annuity of £541,000, at four per cent., for thirty years, was worth £9,354,990. An annuity for ever of £782,000, deferred for thirty years, was worth only £6,027,630. The loss here would be most considerable. It would amount to three millions of money. Did not that single statement evince of what importance it was to ascertain with accuracy whether the average subsisting term were twenty-four years, and not to assume that term at random? And if, again, the rate of interest upon renewals was in a great variety of instances, as he had shown, not seven, but five per cent., ought not this fact alone to induce the House to act upon this subject with extreme caution? It was possible that some hon. gentleman, one of the Chancellor of the Exchequer's friends, might presently tell him of all the advantages which it was expected would be derived from an improvement in the value of church lands, an improvement which would take place the moment the tenure was changed. ["Hear."] As he had expected, hon. gentlemen opposite seemed to attach value to this argument; but he would show them that it was a complete fallacy; and that they would not derive 1s. of profit from this improved value. Why? Because they were going to permit the tenant to purchase at twenty-five years. Whenever, therefore, an improved value arose, it would be derived not by the state but by the tenant. The Chancellor of the Exchequer had endeavoured to make this plan exceedingly popular, by saying, that the "reserved fund" which would remain, after allocating the proceeds of church lands to



the payment of fines, and to the maintenance of the fabric of the church, would be applied to the increase of the spiritual accommodation of the poor. The right hon. gentleman said, that he was really the friend of the poor, although it had been attempted on this subject to raise a prejudice against him, and that his answer to the charge of indifference to the interests of the poor was allocating this reserved fund, arising from the profits of his financial plan to the increase of the spiritual comforts of the poor. He should like to know what any hon. gentleman would give for the Chancellor of the Exchequer's reserved fund? Had he not shown the House that, according to the Chancellor of the Exchequer's plan, there was only £516,000 to meet £541,000, while, according to his calculation, the sum which was stated at £516,000, would not turn out to be more than £450,000, leaving an actual and present deficiency of £90,000 a-year in the financial plan of the right hon. gentleman. The essence of the Chancellor of the Exchequer's plan consisted in selling the reversion to a property. He had very recently heard a high authority advance the following opinion:—"The church was, therefore, exactly in the position of an individual who was continually selling a reversion, which was just the most unprofitable of all means which an improvident person could resort to for the management of his property." This opinion he had heard from the Chancellor of the Exchequer, and he had profited by the sound doctrine which that right hon. gentleman had advanced upon the improvidence of selling a reversion. Was not the sale of a remote reversion, although condemned in the paragraph which he had quoted, the very essence of the Chancellor of the Exchequer's plan? Was that right hon. gentleman justified in stating the term of twenty-five years arbitrarily as the term of years by the purchase of which, in every instance, a perpetuity was to be obtained? He contended that the application of the rule of twenty-five years to household property was utterly irreconcilable with justice. There were four sources of church property derived from land, and of them only one had been adverted to by the Chancellor of the Exchequer. What did that right hon. gentleman propose doing with regard to mines, which formed a most important subject of consideration? He had given no explanation whatever of his views with regard to tithes. After next year, owing to the provision of the Tithe Commutation Act, this source of revenue would become fixed, varying only as a corn-rent. The calculation of the period of twenty-five years, upon which the Chancellor of the Exchequer had founded his arguments as perpetuities, had manifestly no relation whatever to houses; and to those tenants of the church whose property consisted of houses, it was manifestly unjust to say, "You shall be entitled to a perpetuity, like persons holding lands at twenty-five years' purchase." He never would consent that ecclesiastical property should be disposed of on terms not only so disadvantageous, but so unjust, to the proprietors in one case, and to the lessees in another. He could easily conceive a very wealthy proprietor to whom the holding of church lands was a great accommodation, from its being mixed with his own property, who had never used it for building purposes, and who had money at his command—he (Sir R. Peel) could readily believe, that to allow such a person to purchase lands in the neighbourhood of large towns, and convert it into building leases at twenty-five years' purchase, would be to put money in his pocket. But persons who had no particular object to attain by such land, no hope of gain, who had lived upon the land, who had not the means of raising money to purchase a perpetuity to convert it into an increased rent—he could believe, that exacting from such persons twenty-five years' purchase, might be the greatest possible injustice. The only plan, the only principle he contended which could be acted upon with justice, was, by making an actual valuation of property in all cases, and dealing with each individual for the purchase or sale of his interest. He should say, no doubt, give every consideration to the tenant's right, treat him with all indulgence; but he should also say, that the application of the invariable rule to purchase at twenty-five years, would be pregnant with the grossest inequality and injustice. The benefit would be to the rich man, who held land in the neighbourhood of towns; for if he could get possession of land so situated at twenty-five years' purchase, he might increase his annual income to a great extent. So much for the financial part of the measure. He did not impugn the calculations in all respects of the Chancellor of the Exchequer, but he had stated grounds upon which they were entitled to doubt, whether that right hon. gentleman's assumptions could be safely relied upon. He

would next proceed to the discussion of a part of the subject in which the House of course must take, and in which, certainly, he felt a much deeper interest—he meant the character of the proposed plan as it concerned the eternal principles of justice and of sound policy. The proposal was, that the whole of the rateable property of the country, whether held by Dissenters or not, should be discharged from the burden to which it had been subjected from time immemorial, and that an equivalent should be found for that burden by a charge upon the property of the church. The noble lord had stated the other night, that there was a manifest distinction between the charge for tithes and the charge for church-rates. He admitted that there was in some respects a distinction; but this could not be denied, that whatever difficulty there might have been in increasing the payment in particular instances, the principle of the laws of England had been for many ages, that the property of the parish should be responsible for the maintenance of the church. There might be, no doubt, a power on the part of the parishioners to defeat or postpone that payment, but could it be denied that the expectation under which nineteen-twentieths of the inhabitants of this country had inherited and purchased their property was, that this charge, existing from time immemorial, was a charge to which that property was legally subjected? In not one-twentieth of the cases in which property had been purchased, he would venture to say, had the purchasers given the full value for the property, under the supposition that they could defeat that charge; on the contrary, all purchasers had almost invariably assumed that the church-rate was a valid impost upon the property, and had accordingly claimed a corresponding deduction in the price. This plan then, proposing that the whole amount of the charge should be removed from the rateable property of the country, whether held by Dissenters or Churchmen, and that an equivalent should be drawn from the revenues of the church, was a perfect novelty, and was now for the first time broached. The Chancellor of the Exchequer had said, that in supporting this plan he would rely upon very great authorities, not for the purpose of taunting any party with any possible inconsistency, but for the purpose of supporting his calculations by the opinion of those authorities, deliberately delivered, and which he had seen no reason to question. He should have thought that so skilful a debater as the right hon. gentleman would have touched with more lightness upon arguments derived from authority—the single authority upon which the right hon. gentleman had relied, having been derived from the precedent established in the case of the Irish Church. He must say, that the appeal to that precedent was rather ungenerous. When the consideration of the Irish Church had been first brought under their notice in the Speech from the Throne, they were distinctly told that the circumstances of Ireland were peculiar, that they were so far distinguished from those of England, as to require a separate consideration. When the measure had been brought forward by which church-rates were to be removed from property in Ireland, they had been distinctly told that the case was a special one, and ought to be considered on its special grounds, and yet now they were told by the Chancellor of the Exchequer, that the case of Ireland was applicable to England. “Make that,” said the right hon. gentleman, “which I told you was an exception, a general rule—make an example, which I told you was peculiarly and separately applicable to Ireland, a precedent which shall be and must be applied to England.” Let the House look at the preamble of the Church Temporalities Act. Did not that Act raise special differences in the case of the two countries, warranting a perfectly different course from that proposed by the right hon. gentleman opposite? Could he say, that in England it was convenient to dispense with ten bishops? And had not two additional bishops been appointed to districts which required the superintendence and care of episcopal authority? In arguing upon the Church Temporalities Act, you referred (said the right hon. baronet) to the distinction there was, in point of population, to the number of persons in Ireland who were not members of the Established Church, and the charge which was imposed upon the occupying tenant by making him responsible for the payment of church-rates, and the support of a church from which he derived no benefit. With the case of Ireland before you, with that Act before you, and to which you were a party, did you, in 1834, propose to follow the precedent of Ireland? You then knew there was church property in England; you had your attention specially called to it; you had the Irish Act then in existence upon the statute

hook; but you did not invoke the Irish precedent as an example to be applied to England. No, you brought forward an act proceeding upon a totally different principle, an act certainly recognising the exemption of property from the charge of church-rates, but which, at the same time, distinctly maintained this great principle, that the charge of supporting the fabric ought to be borne by the state. And when you speak to me of authority, I will attempt to show you, so far as arguments are to be derived from authorities in matters of this kind, that you have no authority to appeal to in the Irish Act, but that from your own course, from your own acts, and from your own declarations, I am furnished with most powerful aid in support of my arguments, as far as that aid extends. He would take first (the right hon. baronet continued) the declaration of the noble lord who had proposed the Act for the regulation of the Church Temporalities in Ireland, and who, upon the following year, had proposed a plan for the substitution of another fund in lieu of church-rates. Lord Althorp, on April 21, 1834, the Irish Act having passed in the preceding year, and relieved the owners of property in Ireland from the charge of church-rates—that noble lord who had brought forward that Act, which, as he had said before, was one proceeding upon a totally different principle at the period alluded to, proposed that £250,000 should be paid out of the consolidated fund, and applied to the repairs of the church. After the discussion that arose upon the proposition, Lord Althorp stated in reply, “The principal argument used this evening has been, that no contribution ought to be made by the state out of the public funds, for the purpose of maintaining the places of worship belonging to the Established Church. Now, I entirely agree with my right hon. friend (Mr. Wynn), that it is the absolute duty of the state to provide places of worship for the poorer classes of this community.” There was a distinct recognition of the principle that it was the absolute duty of the state to provide places of worship for the poor. [Hear.] From the cheers of the right hon. gentleman opposite, he (Sir Robert Peel) supposed he was to infer that the present plan was not at variance with the declaration of Lord Althorp. But that declaration had been made after an amendment had been proposed by the hon. member for Middlesex, to the effect that no sum should be issued out of the consolidated fund for the repairs of the fabric, until it had been clearly ascertained that the church property was not able to bear the expense of those repairs; and, therefore, it was stated, not merely in forgetfulness of, but in direct collision with, the antagonist principle, as contended for by that hon. member, that Lord Althorp had expressed so decided an opinion on the subject. Upon the amendment proposed by the hon. member for Middlesex, a division took place. He (Sir Robert Peel) and all his friends supported government on the occasion, and, with their assistance, the numbers were, in support of Lord Althorp and his principle, 256, negating the amendment contending for the opposite principle by a majority of 116. Now, as the doctrine was aloft, that the “majority ought to govern the minority,” and as there was recorded a majority of 116 in favour of a principle which had never since been submitted to the House of Commons, or, at least, upon which the sense of the House of Commons had never since been taken, might not he, as far as authority was concerned, appeal to that decisive majority as a proof that the opinion of the House of Commons was in accordance with that of Lord Althorp, and that it was the absolute duty of the state to provide for the repairs of the fabric out of the public funds, as distinguished from those of the church? But it might be said, that that was in an unreformed parliament. No, it was the first parliament that had been elected after the passing of the Reform Bill, and could not be said to have been a parliament returned under Conservative auspices. That parliament was returned under the government of Lord Grey, at a time, too, when the noble lord (Lord John Russell) formed a part of the government; and the decision then come to by the House had never publicly been called in question by any proposal upon which the sense of the House had been taken. Still, continuing his arguments as derived from “authority,” he would refer to the declaration made in the report of a commission bearing date the 4th of March, 1836,—a commission not composed exclusively of churchmen, but one which included in it five members of his Majesty’s government. The report from which he was about to read, bore the signatures of the whole; and, amongst the rest, those of Lord Cottenham, the Lord Chancellor, Lord Lansdowne, Lord Melbourne, Lord John Russell, and Mr.

Spring Rice. They had to consider this very question—whether it was fitting that, for ecclesiastical purposes, a profit should be extracted from a different appropriation of church lands, and they had come to this conclusion:—“One mode of rendering those incomes less uncertain would be, to allow the existing leases, both for lives and for terms of years, to expire. But any plan for accomplishing this object must involve the necessity of borrowing money upon the security of the episcopal estates, in order to compensate the bishops for the loss of the fines which accrue to them under the present system, and which form an important part of their incomes. The practical result of such an operation would be, to transfer to the parties lending their money that interest in the episcopal estates which is now possessed by the lessees. We are not, therefore, prepared to recommend the adoption of any general measure for allowing the leases for lives and terms of years to expire; although, for the purpose of correcting, in some degree, the inconvenience now arising from the great variations in the annual amount of the episcopal incomes, we recommend that facilities should be afforded for the conversion of leases for lives into leases for terms of years.”

He apprehended that the noble lord (Lord John Russell,) when the report containing that recommendation had been laid upon the table, still adhered to the opinion that Lord Althorp was correct in the principle he had laid down, that in relieving the land from the charge to which it was subjected, the state, and not the church, ought to provide for the alteration; for, as a party to that report, the noble lord, in a few weeks after it was presented, had given expression to a similar opinion, in answer to a question put by his noble friend, Lord Stanley. His noble friend, on the occasion, said—“I avail myself of this opportunity to ask my noble friend whether it is his intention to bring in any measure this session on the subject of church-rates?” In reply to which, the noble lord (John Russell,) after stating that he would not be able to introduce a bill that session, observed, that by means of church-rates, or in some other way, it was expedient that the state should provide for the maintenance and repair of churches. He would say, it was rather strange, that the noble lord having had the whole subject of bishops' lands under his consideration, and having signed the report containing the recommendation quoted in March, 1836, and moreover, having so expressed himself in answer to Lord Stanley in June, 1836, should now be of opinion that ecclesiastical property should be differently settled and appropriated from the manner recommended by the church commissioners, and should be made available for the maintenance of the fabric of the church. The hon. member for Middlesex having on that occasion expressed his dissatisfaction at the answer of the noble lord, the noble lord in reply to the hon. member made a fuller and more complete declaration, and one which established the most conclusive proof that the plan now proposed was then repudiated by the high authority of the noble lord. He argued thus, in the same sense as that in which the right hon. gentleman had argued, not for the purpose of invidious taunts, by pointing at any change of opinion, but for the *bonâ fide* purpose of showing that the opposition, and his Majesty's government had, up to a very recent period, remained precisely of the same opinion—namely, that those church expenses ought to be borne by the state; and that by the profits which were derived from ecclesiastical revenues, there were other objects to be attained. The noble lord, on the occasion to which he had just alluded, said, “Whatever might be the anxiety of the Dissenters, they could not have been in doubt as to the opinions of the government.” Could the Dissenters have inferred from this that there was at the time a secret reservation on the part of the government that it was possible to derive the necessary amount of expenses to which the church-rates were applicable from other than the resources then proposed? The noble lord continued—“Two years ago Lord Althorp brought in a bill on the subject, in which the principle was declared, that church-rates should not be abolished, unless the state provided a substitute.” He had never said any thing inconsistent with that principle, or, at least, any thing to lead the Dissenters to suppose that ministers meant to abolish church-rates without an equivalent, or that equivalent was to be found in the revenues of the church. To that principle he had adhered, and to it he intended to adhere. Let the House observe, that this declaration had been made two months after the report had been made in which they declined to recommend that by which they would transfer the interest in the land

from the trustees to those who lent money. That, together with the noble lord's declaration, he (Sir R. Peel) thought fully entitled them to infer that the noble lord adhered to the opinions of Lord Althorp. The noble lord added—"On various occasions he had explained his views to the Dissenters, and they were satisfied that he did not mean to bring forward any bill that would accomplish their wishes. He did not believe, therefore, that they were at all anxious that any measure should be introduced." Mr. Hume then said—"As far as he was acquainted with the wishes of the Dissenters, they never would consent that church-rates should be paid out of the general revenues of the country. Means to pay them ought to be found in the sinecure revenues of some of the deans and chapters." Upon which the noble lord observed, "That is a question upon which the House has not yet come to any decision." He would, however, say, that the House had come to a decision last session, and had, he would not say appropriated church-rates, but by the increase of small livings given increased accommodation out of the revenues of which the hon. gentleman had spoken. Now, so far as arguments deduced from authority went, had he not shown in support of his arguments, that they had the authority of the commissioners' report, bearing the signatures of five of his Majesty's present ministers, that they had the opinion of the majority of the House of Commons—a majority of 116, and that they had the opinion of his Majesty's government unequivocally and expressly declared at so recent a period as June, 1836? What then were the new circumstances which had arisen to induce this change, evinced in the proposal that church-rates should be abolished, and that an equivalent should be derived from the revenues of the church? He had voted, that the conscientious scruples of the Dissenters should be respected, and believing that the issue from the consolidated fund, by relieving him from all personal and immediate charge, would give satisfaction, had voted in favour of the proposition suggested by Lord Althorp. He referred to that as a conclusive proof that he was not insensible to the inconvenience of the present system, and that he was ready to make a sacrifice for the purpose of respecting a conscientious scruple where it existed, but without injury to the religious interests of the rest of the community. If they consented to the proposed measure, were they sure that it would effect that degree of harmony and peace which was promised by those who originated it? He feared not. If he ever entertained that hope, he must say, that he should still view with the utmost regret the exemption from this pecuniary charge of all those who held and had purchased their property upon the understanding of supporting the church, and who were themselves members of that church. He would not discuss what other measures might be devised for the purpose of effecting the object which was aimed at by Lord Althorp. If his Majesty's government had adhered to their original proposal—if they had taken any other course than they had done, he might have supported them. They had condemned the existing system, and yet had permitted three years to elapse without providing another. Why should he entertain a different opinion in 1837 to that which, with the knowledge of the whole facts, the noble lord had entertained in 1836? Did the conscientious scruples of the Dissenters arise from his being called upon to support the fabric or the establishment with which he was not in communion, and was it limited to that, or did it arise from his objection to the principle of an establishment? If it arose simply from the pecuniary charge, and was limited to that, and if exemption from that charge would indeed assuage all the animosities and differences that existed between Dissenters and members of the Establishment, and would lay the basis of a permanent acquiescence in the principle of an establishment—then, no doubt, it would be wise to incur almost any sacrifice for the purpose of ensuring that desirable end, so far as Dissenters were concerned. It would not necessarily provide that, therefore, members of the establishment ought to be relieved from the charge to which they were subject. It would not necessarily imply that therefore it was wise to dis sever the landed property of this country from all immediate connection and interest with the fabric, where the landed property was held by men who had no conscientious scruples. He admitted it was difficult, in point of detail, to draw a distinction; but still, whatever that difficulty might be, there was an evil, in his mind, in separating altogether the connection between the landed property in this country and the immediate parochial charges for church purposes, particularly when that property was held by members of the

establishment. With this view he had voted as he did in 1834, because if an equivalent were taken from the public revenue, the holders of landed property would in that case contribute, in some degree, to the charge from which they had been exempted; and if he had an assurance that peace and harmony would be the result, then should he again think it perfectly fair to take the course he had pursued in 1834, and assent to the principle of providing a sufficient sum for the permanent repair of the fabric out of the public purse. But if the objection of the Dissenter were not to the pecuniary charge, but amounted to, or was connected with, an objection in principle to an establishment, then he (Sir Robert Peel) must abandon the idea that tranquillity would be the result of such a measure, because the objection in principle to an establishment would still remain unmitigated by that concession. The hon. member for Middlesex, in discussing this question the other night, had stated that the Dissenters at present put forward no other claim than that of exemption. He (Sir Robert Peel) wished to speak of them with that respect he had uniformly maintained towards them, as well by his acts as his expressions; but still he conceived it quite consistent with that feeling of respect fairly to inquire what was the nature of the objection which they urged against the pecuniary grievance of church-rates. If it was important for him to inquire whether the removal of that charge would in point of fact restore harmony between Dissenters and Churchmen, it was equally important to ask whether objection would not still be found to exist. The hon. member for Middlesex had said, that the Dissenters would abandon any further claims for the present. Why, what satisfaction did the House and the country derive from their abandonment for the present of any further claim? Did that not rather add to the reasons for supposing that their objection was not confined to the pecuniary charge, but extended to the establishment itself? In a work recently published, he found explicitly discussed the question—what would be the degree of satisfaction we might expect to arise from the abolition of church-rates? It was there distinctly asked in the following words—"But let us suppose the church-rates abolished, and the Dissenters entirely relieved from any share in the cost of maintaining churches which their ministers are not allowed to occupy, and religious services of which they decline to avail themselves—will they be satisfied with the redress of this grievance? Our reply to this question shall be explicit. They will be satisfied with nothing short of the recognition of those principles upon which, in resisting this ecclesiastical impost, they take their stand." That principle, he apprehended, went to this extent, that the continuance of an establishment constituted a civil inequality between Churchmen and Dissenters, and that the latter never would be satisfied while the principle of an establishment existed; and although the tenure of tithe might be different from the tenure of church-rates, and though one had its origin at an earlier time than the other, yet that the objection in principle would be equally applied. But he did not now address himself to Dissenters.

Mr. Hume begged to know the name of the work from which the right hon. baronet had quoted.

Sir Robert Peel, *The Eclectic Review*. It did not, he admitted, profess to speak the opinions of all the Dissenters, but of a considerable majority of them. He now addressed himself, not to Dissenters, but to those members of the establishment who were holders of property subject to this charge, and those he would ask, what proportion of that charge was borne by Dissenters? Of the landed property of this country he apprehended a very small proportion was possessed by Dissenters. He had seen estimates of different populous towns, one of which was that of Stroud, stating that the amount of church-rates collected from Dissenters, contrasted with the amount paid by members of the Established Church, was about 1-12th. If that were the case in these towns, he apprehended that throughout the rural parishes of the country the proportion would be still smaller; and it should be always borne in mind, that there was one object to which church-rates were applied, in respect of which Dissenters could claim no exemption—namely, the expenses connected with church-yards. But supposing the charge borne by Dissenters should not exceed in respect of the whole of the property, one-twelfth or even one-tenth, or any other reasonable proportion, what, after all, was the result of the proposition now made, as it bore upon the interests of the landed proprietors and owners of property who were in communion with the Established Church? The proposal was, that

from the charge of church-rates they should be wholly exempt, that they should not contribute to any fund for the repairs of the churches, as they would under Lord Althorp's plan, but that the charge which they now bore, against which they had no conscientious scruples, should be entirely transferred to the revenues of the church. Now, doubtful as he was regarding the financial scheme of this measure, and doubtful as he was as to its effect in giving satisfaction and restoring peace to the Dissenter, he felt, in addition, that the proposition it made to members of the establishment, that they and their descendants should be altogether exempt from the charge, and that the revenues should be taken from the church to supply the deficiency, raised at once an insuperable objection to it. If it were proposed by them to the House of Lords, putting aside for a moment the case of the Dissenters, that from this charge, the permanence of which had been so long and confidently calculated upon, they should altogether relieve themselves, and throw it upon the church, what would be said by their Lordships of the enormity of such a proposition? For the sake of argument, let him admit the claim of the Dissenters. For the purpose of satisfying that claim, it was proposed that the whole property of the Church should be taken from its present possessors, and placed under the control of a board, in which the government of the day must have a paramount interest—a proposal by which the deans, chapters, and bishops, would be made mere annuitants, in order that a certain fixed sum might be made available out of their property for the support of the fabric. They could not make that alteration without producing important political consequences. Was it possible exactly to calculate what might be its effect upon the stability and dependence of the Church of England, by thus severing it altogether from the landed property of the establishment?—by completely altering the tenure by which bishops held their property, and by converting them into State annuitants, who were to receive from the government board fixed quarter salaries? The noble lord had contended the other night honestly and vigorously for the maintenance of the right of the bishops to sit in the House of Lords; but when he should have created this great change in the tenure of their property—when he should have converted them into mere State annuitants, did he think it would then be so easy for him to maintain that right? And did he not think that by depriving the establishment of all connexion with the landed property of the country, and of all opportunity of establishing relations of equity with the proprietors of other property—did he not think that by so doing he would be striking a blow at the independent character and stability of the Church of England? To apply this to the case of any great landed proprietor who let his property on a lease for lives—suppose a noble lord had £20,000 a-year derived from land, let for a term of years on renewable leases; and suppose the State stepped in, and said, that the noble lord's was an improvident method of settling his property; that the State accordingly interfered, let the leases run out, gave the property a new value, and assigned the noble lord, by quarterly payments, the £20,000 he had hitherto received,—supposing that case, the amount of the noble lord's pecuniary revenue must be the same; but did not every man feel that the State would thereby be making a complete alteration in the position and independence of that individual, and depend upon it they could not apply the same rule to the bishops of this country without in a corresponding degree affecting also the independence of their order, and the stability of the church. He objected to this resolution as interfering with the property of the church. But the main ground upon which he objected to it, and to which he felt confident no sufficient answer could be given, was this—that if by any plan of this kind it were possible, consistently with strict justice to the lessees to raise a profit out of the Church revenues, there existed a prior claim, a prior recognised claim, which they were bound to support; and he appealed to that House, he appealed to the gentlemen and noblemen of England, and particularly to those who were in communion with the establishment, and entertained no conscientious scruples—he appealed to all to attend to the case which he should make out. It was first important that they should consider what were the necessities of the church establishment. He asked them not to derive that information from any statement of his own, but to give their utmost attention to one which he had extracted from the report before referred to. That report stated, that there were no less than 3,528 benefices under

£150 per annum; that there were 130 of these benefices that had a population of more than 10,000; that fifty-one had a population of from 5,000 to 10,000; that 251 had a population of between 2,000 and 5,000, and that there were 1,125 having a population of between 500 and 2,000. It further stated, that even if there were no addition to be made to those having a population below 500, it would take no less a sum than £235,000 per annum to raise all the benefices having a population of between 500 and 2,000 to the annual value of £200. There were 2,878 benefices on which there was no house of residence, and there were 1,728 benefices in which the houses were either unfit for residence, or in which houses fit for the incumbents did not exist at all. And what was the probable extent of the fund out of which the right hon. gentleman, the chancellor of the exchequer, proposed to supply these deficiencies? Why, £235,000 would be necessary for the purpose of increasing the present provision for the parochial clergy. The report went on to say—"We entertain a confident expectation that the amount of the fund will not be less than £130,000 per annum, while to raise small livings containing populations of from 500 to 2,000 to the amount of £200, the sum of £235,000 per annum would be necessary."

The House would not fail to observe, that he (Sir R. Peel) was not speaking as one who had resisted the reform of the church; but he was now merely showing, that in consequence of the commission appointed on his advice to the crown, it appeared there was a hope of deriving from chapter property funds to the amount of £130,000 per annum, to be applied to the increase of small livings, but still there would be a deficiency of £105,000 a-year for that purpose alone. But the church commissioners in their report, state, that this is by no means the most urgent demand on the part of the Church: they state—"The most prominent, however, of those defects, which cripple the energies of the established church and circumscribe its usefulness, is the want of churches and ministers in the large towns and populous districts of the kingdom. The growth of the population has been so rapid, as to outrun the means possessed by the establishment of meeting its spiritual wants; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church. It is not necessary in this report to enter into all the details by which the truth of this assertion might be proved. It will be sufficient to state the following facts as examples. Looking to those parishes only which contain each a population exceeding 10,000, we find that in London and its suburbs, including the parishes on either bank of the Thames, there are four parishes or districts, each having a population exceeding 20,000, and containing an aggregate of 166,000 persons, with Church-room for 8,200 (not quite 1-20th of the whole), and only eleven clergymen. There are twenty-one others, the aggregate population of which is 739,000, while the church-room is for 66,155 (not one-tenth of the whole), and only forty-five clergymen."

This demand was as yet unanswered. He would not fatigue the House by stating all the details of the instances in which this pressing want appeared. The Commissioners, however, observed, "The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence, greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions; and it unfortunately happens, that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found. The resources which the Established Church possesses, and which can be properly made available to that purpose, in whatever way they may be husbanded or distributed, are evidently quite inadequate to the exigency of the case; and all that we can hope to do is, gradually to diminish the intensity of the evil."

The report then adverted to the efforts of the incorporated society for building and repairing churches, and the Christian exertions of private individuals, and it then proceeded:—"In addition to these efforts, many churches have been built and endowed by pious and liberal individuals. Upon the whole we may state that within the last twenty years additional church room has been secured for at least 600,000 persons, and some hundreds of additional clergymen have been stationed in populous districts which were before destitute of the advantages of pastoral care and instruc-



tion. But all that has been hitherto done in this way falls very short of the necessity of the case."

He took his position on that report. He would say, that all other considerations were subordinate—that the financial plans of the right hon. gentleman opposite, in this respect, were mere speculations; there might be doubts as to whether the authority of this or the other side of the House might be most relied on; but, he repeated, that the report of these commissioners, presented in March, 1836, supplied a case of crying necessity, for which it was the duty of a christian legislature to make provision. The report showed, that the annual sum of £235,000 would be required to raise the stipends of existing clergymen to moderate and decent competencies, and that if pluralities were abolished, and residence insisted upon, more would of necessity be required. He had shown that there were 4,800 curacies in which no fitting income was provided for a resident clergyman; he had shown to the House that there were within its reach four parishes, containing a population of 166,000 persons, but having church accommodation provided only for 8,000, thus leaving 158,000 persons without the means of religious consolation and instruction. If these, then, were facts, and he should be enabled from the revenues of the church to realize any disposable sum, he would ask could any claim be put in competition with the necessities which arose from the case he had stated? Depend upon it, the members of the Established Church could not escape the odium which agreeing to this resolution would throw on them, if they left this evil unremedied. They had been told that it was difficult in detail, to separate the case of the dissenter from that of the establishment; but the dissenters contributed to the church-rates one-tenth, while the members of the establishment contribute nine-tenths. Disguise it as they might, the proposition amounted to this, that the members of the Established Church, the noblemen and gentlemen who held lands and property on which there was this legal, and in point of equity, this indefeasible claim, were to be altogether relieved of the great part of the impost, while the Dissenter was only relieved to so trifling an extent. Let him ask what was intended to be done in the case of Scotland? If there existed on the part of the English Dissenters, who contribute now to the repair of the fabric of the church, a claim to be relieved on the grounds of conscientious scruples—if the English Dissenter felt no common interest with the churchman in the maintenance of that establishment which was to provide for the spiritual instruction of the rich and of the poor—what answer was to be given to the landed proprietor of Scotland, who dissented from the Established Church of that country, but whose property was subject to contributions for its support? Were the great landed proprietors of Scotland, who dissented from the establishment there, to continue subject to the charge of supporting that establishment? Were its members to relieve themselves and leave the charge on the Dissenters? Above all, in what position would his claim be, if, after the House had consented to exempt the lands of the churchman in England, it left upon the Dissenter of Scotland the charge of supporting a church to the tenets of which he was opposed? Let also this be considered, that a large and most respectable portion of the dissenting body in England had not urged upon the legislature any objection to the continuance of this charge. The whole, or at all events a great part, of the Wesleyan body—a body influential from its high character, although dissenting from the church, and not joining in communion with it—felt a common interest in the maintenance of the establishment as a national church—rejoiced as much as did the churchmen in witnessing the improvement made of late years in the characters of the ministers of the church and the zeal with which they performed their duties, and felt so innately that the cause of christianity was maintained by the recognised principle of a christian establishment, that they had come forward with no petitions urging to be exempt from the charge upon them to support the church. Could the members of the Church of England—the landed proprietors of this country—the possessors of real and rateable property in it, easily consent, on account of the supposed difficulty of drawing a distinction between the Dissenters and themselves, to accept this relief at the expense of the church, when the necessity of spiritual consolation, instruction, and accommodation had been proved to the extent and amount stated in the report of the ecclesiastical commissioners to which he had referred? It was incumbent on the House well to consider this subject. The time would shortly arrive when the acts of the present legislature would be subject to the scrutiny of a

posterity judging the matter with far different views from those which some who heard him cherished. It had been proved that thousands and tens of thousands of the population of this country were now without the means of religious instruction, that they wanted and desired such instruction; it had been proved that churches were falling into decay, that glebe-houses were unrepaired, that some parishes were without a minister, and if it should appear to posterity that with these necessities before them the present legislature consented to sell the property of the church, to alienate it to other purposes, to cut off all hope now and for ever of deriving increased resources from church property—above all, if it should be found by those who were to follow that in committing these irreparable evils the churchmen of the present day had relieved themselves from an impost to which they were most justly subject, the House might depend upon it that a severe, and he must say, not an unrighteous judgment, would be exercised upon their acts if not upon their heads. If to meet these necessities a sum was to be taken from the Consolidated Fund, it would relieve the landowners of the country from the duty of supporting the church. Whether there should be a new apportionment of this charge on the land, making the owner and not the occupier contribute (a plan which he owned would, in his judgment, be justice) thus continuing the connexion between the landowner and the church—whether it would be possible to reconcile such a plan with some means of giving relief to the Dissenters, without any indivious test being imposed,—whether it would be possible to draw a distinction between the cases of town parishes and rural parishes, in the latter of which the House might be assured the people did not wish to see the church degraded—whether it would be possible to do these things, he was not prepared to say, but at least they were deserving the best consideration. His present object was to implore those in communion with the church not to cut off altogether, by consenting to these resolutions, all hope of supplying from the revenues of the church (if consistent with equity they might be found applicable) means of relieving the great wants and of curing the defects which the report of the ecclesiastical commissioners pointed out; and, above all, he would entreat the House to avert from itself that judgment which posterity would pronounce upon it, if those in communion with the church were parties to a transaction from which they themselves, at the expense of that church, were to derive pecuniary benefits.

The debate extended over three nights, when the committee divided:—Ayes, 273; Noes, 250; majority, 23.

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## MUNICIPAL CORPORATIONS (IRELAND).

APRIL 11, 1837.

The Order of the Day for resuming the adjourned debate on the third reading of the Municipal Corporation (Ireland) Bill having been read—

SIR ROBERT PEEL said, that the surprise which he last night felt that the House was not permitted, considering the exhausted state of the debate, to go to a division, had not been in the least degree removed by the tenor of the discussion of that night; and he sincerely hoped that those two or three gentlemen whose absence the House last night deplored, and in compliment to whom (the debate being entirely finished) the division was postponed, were now present in the House, and would enable them finally to dispose of the question. He felt, however, that it was not entirely owing to the absence of two or three gentlemen that the reluctance to divide was last night manifested. He had entertained his suspicions upon the subject before he heard the speech of the noble lord who had just sat down; and these suspicions were fully confirmed when, in the course of his observations, he found the noble lord so pointedly referring to the approaching disunion between himself and the hon. member for Middlesex upon the subject of household suffrage. When he found on referring to the votes that the first notice of motion for the 11th of April was given by the hon. member for Middlesex, for leave to bring in a bill to extend the present suffrage to household suffrage, he knew perfectly well that one of the motives for adjourning the debate was to prevent that motion from being brought forward. The only novelty he had heard in the course of the debate of that evening was from the hon. member for Wolverhampton (Mr. Villiers). The hon. member,

thinking that the party on that (the opposition) side of the House availed themselves unfairly of the cry of the "Church in danger," determined, it would seem, to meet that cry by a counter-cry, namely, the "Reform bill in danger." The hon. gentleman said he had never heard a discussion conducted on the opposition side of the House in which there did not fall from some one gentleman or other an intimation that one at least of three great popular questions ought either to be altered or repealed. The first of these was the Roman Catholic relief bill. Now he had never heard any gentleman intimate an intention of bringing in a bill to repeal that measure. He certainly did hear in the speech of the hon. member for Meath (Mr. H. Grattan) last night, an extract from some Dublin newspaper, which the hon. member said placed the hon. member in possession of his opinions upon the subject, and accordingly, upon the authority of this Dublin newspaper, the hon. member declared to the House, that it was his intention to propose the repeal of the Catholic Relief Act. Now, as the hon. member for Meath was a member of the House of Commons, and consequently had opportunities of hearing the debates within its walls, he trusted the hon. member would take the indication of his intentions from his own declarations, and not from any anonymous paragraphs which might happen to appear, even in a Dublin newspaper. The hon. member for Meath, in the course of his speech last night, after attacking him with a great deal of vituperative eloquence, produced extracts from speeches he had formerly delivered as arguments against him. It was rather an unfair instrument to use; but he would not retaliate. The hon. member for Meath might rest assured that whilst he lived he would never quote an extract from any speech of the hon. member. But, said the hon. member for Wolverhampton, "there is not only a disposition on the part of the opposition to repeal the Roman Catholic Relief Bill; there is also an indication of a wish and an intention to repeal the English Municipal Bill and the Parliamentary Reform Bill. At all events, he had no intention to propose the repeal of the Municipal Bill, because, if the municipal corporations continued in the same change of opinions that had distinguished them for the last year or two, they would shortly become good conservative bodies. Then, with respect to the Parliamentary Reform Bill, who on that side of the House had proposed its repeal? Who had proposed even to modify it? He had not heard one single attack made either upon the principle or the details of the Parliamentary Reform Act, except from the hon. gentlemen who sat on the ministerial side of the House. So far from being satisfied with the great charter of their liberties—so far from being pleased even with the short experience they had just had of it—the book upon the table was pregnant with notices on the part of the usual supporters of the government to repeal essential and fundamental parts of the Reform Act. He spoke not of speculative questions, such as household suffrage, vote by ballot, annual parliaments, and the like, but of motions directly and vitally affecting the special principles of the Reform Act. Not one of those notices of motion had been given from that side of the House. They had all been given by those who professed themselves most friendly to the principle of the Reform Act. So much for the argument of the hon. member for Wolverhampton. It only served to convince him that the constituency of that good town were somewhat uneasy and restless, and that it therefore became necessary for the hon. gentleman who represented them to raise these bugbears, in order, if possible, to frighten them into a continued support of him. He would now address himself to the speech of the noble lord (Lord J. Russell). In doing so, he would avoid all reference to the vestal criticism in which the noble lord had indulged. He would not dwell upon the phrase "the downward path," upon which the noble lord had laid so much emphasis. Yet what was to be implied from the phrase, as originally employed by his right hon. friend (Sir J. Graham)? He (Sir R. Peel) would venture to say that if, instead of the "*facilis descensus*," his right hon. friend had spoken of the laborious and difficult upward path, he would have been attacked by the noble lord, the great critic of the administration, for not speaking of the road of concession as an easy and pleasing descent, instead of a stubborn and displeasing upward journey. Then came the disclosure about the cabinet dinner. What a disclosure for the noble lord to make! Why, with his attachment to the popular principle—with his love for Municipal Corporations in Scotland as well as in England and Ireland—why was not the noble lord, in the case of the Scotch Municipal Bill, found watching over the cradle

of freedom, instead of acting the part of *Amphitryon*, and leaving his charge to take care of itself? So indifferent was the noble lord to that unfortunate measure, that he positively left it to its fate, and went to dinner. But, in his absence and in his indifference, the noble lord unjustly and ungenerously sought to involve his right hon. friend (Sir J. Graham). It was the noble lord himself, and not the right hon. baronet, who was absent from the discussion and division of the Scotch Municipal Bill. The noble lord could not resist the temptation of the cabinet dinner, at which he was to preside, and in the noble lord's absence from his post in that House, it was his right hon. friend who performed his duty—who resisted the temptation even of the noble lord's cook—who left the noble lord, now a cabinet minister and leader of the House of Commons, to enjoy his repose at home, whilst he attended in the House, and resisted the proposal for the insertion of the £5 clause in the Scotch Municipal Bill. It was true, indeed, that his right hon. friend, an English member, showing this laudable desire for the protection of the interests of Scotland, was confirmed in his own opinions by very high authority; for amongst the Scotch members who, on that occasion, joined with his friend the right hon. baronet, in doing justice to Scotland, he found the names of Admiral Adam, Sir Henry Parnell, now a member for a Scotch borough, and at the head of the list the name of the right hon. gentleman whom he had now the honour of addressing in the chair. These were the gentlemen who resisted the temptation to which the noble lord unhappily gave way, and who set the example of resisting the £5 clause, which, upon the authority, as it would seem, of the hon. gentleman opposite, it was proposed to insert in the present bill. He had a great respect for that hon. gentleman; he had a great respect for his professional opinion; but to quote him as a high authority on parliamentary law, and upon the expediency of adopting a £5 clause, appeared to him to be most extraordinary. When the £5 clause was assented to in the Irish Bill, the noble lord said, "Oh, there is a £5 clause in the Scotch Bill, and, therefore, of course, there must be a £5 clause in the Irish Bill." Now he (Sir Robert Peel) had certainly heard of a postliminious precedent; and it appeared to him that the precedent referred to by the noble lord on this occasion, must embrace something of the character implied under that term. Finding that a £5 clause in the Scotch Bill would be a sufficient authority for the insertion of a similar clause in the Irish Municipal Bill, the noble lord immediately set to work to create a precedent, and subsequently to the introduction of the Irish Bill, moved for leave to bring in a bill to establish a £5 constituency in Scotland. That bill had not yet passed through one single stage; but the noble lord was glad to look at it in his moment of difficulty, and already it was quoted as a precedent, and used as an argument by those who contended for an identity of the law in both kingdoms. He felt that the argument upon the subject of the bill then under their consideration, was entirely exhausted. He must, however, be allowed very shortly to state the grounds upon which he rested his opposition to it. He viewed the bill upon its abstract merits as a scheme of local government for Ireland. Upon its abstract merits, viewing it as it then stood, he objected to it. He still retained the opinion he had formerly expressed, that to establish at once forty-seven corporations in Ireland, without any previous experience of the working of the reformed municipal system, and in forty out of the forty-seven, to establish a £5 franchise, was (even if the policy of the Municipal Corporations were coded on all hands) carrying the principle to an extravagant and unwise extent. The £5 franchise, unaccompanied by the payment of assessed taxes, or any payment corresponding to assessed taxes, such as existed in Scotland, or to the poor-rate as it existed in England, would be a very indifferent, and, in his opinion, insufficient, test of the competency of the constituency. He had stated this objection before. He said, on a former occasion, that he thought it would be better to have some substantial definite test which should prevent all temptation to perjury on the part of any individual as to the value of his house. Was there not at that moment a committee of the House sitting on the report of fictitious votes in Scotland? Had not the evils which were said to have arisen in that country upon the subject of the franchise, been entirely the result of the variety of principles laid down as to the value of property? The result of it was, that the temptation to perjury had been so strong, as to lead to the necessity of appointing a committee of that House to inquire into the extent to which fictitious votes had been carried. The Attorney-

general had stated, that there were no less than five different constructions put upon the word "value." With the experience they had already received of the working of the system in Scotland, he did not know how it could be thought that the civil or moral improvement of the people of Ireland would be promoted by extending to them, for all municipal purposes, a £5 franchise. It must be borne in mind, too, that the bill not only established forty-seven corporations in Ireland, but gave, at the same time, an indefinite power to establish other corporations in any towns or villages of Ireland where, not the majority of the inhabitants, but any two of them, should make a demand for municipal rights. Wherever any two inhabitants of any town in Ireland, however insignificant their interests in that town, chose to demand a charter of incorporation, there would be a power wholly uncontrolled by parliament to confer it upon them; and each of these corporations would have the power of appointing the armed police force, not only to protect the town itself, but to guard the property for seven miles round. They would also have the power of appointing special constables. Was that an application to Ireland of the principle on which English corporations were framed? It was said, give to Ireland corporations on the same principle as those of England. The English police were appointed by the Lord-lieutenant in each county; but in Ireland it was proposed to place the whole of that power in the hands of these local and irresponsible bodies. Upon that ground, as well as upon others on which he would not then dwell, he objected to the bill as a scheme of local government. The noble lord might tell him that these were details, and that they ought to have been discussed in committee. He knew that they were details, and he would state why it was, that they were not discussed in committee. It was perfectly notorious, that whatever objections the opposition might have brought forward would at once have been overruled. In the next place, they felt that, with the certainty of being overruled, their objections, if brought forward, would only have the effect of obstructing the prospect of a satisfactory adjustment hereafter. In the course of the speech made last night by an hon. member on the diplomatic service of his Majesty—he meant the hon. member for Marylebone—the hon. gentleman made an appeal to him; and if he passed by that appeal, the hon. gentleman might suppose that he did not attempt to reply to it, because he could not make any comment on it. The observations of the hon. member ran to this effect:—"There is one way in which, according to his friends, the right hon. baronet might escape from this dilemma. They said, 'You don't know Sir Robert Peel; he sees that the Irish corporation bill must pass, and when he comes into office, then he will pass something in the shape of a better bill if he can, and after that he will say, 'Now the church is, you see, in a better condition; now I'll consent to passing the corporation bill.'" He should like to ask the hon. gentleman, who were those friends of his whom the hon. gentleman heard make these assertions? He should like to know what there possibly was in his past conduct, that could entitle friends of his to give him credit for such a course of proceeding? The hon. gentleman supposed, or at least his friends who communicated with the hon. gentleman, that he meditated in effect to pass this bill. He did not hesitate to say, that if he contemplated this bill as he had stated, and if persevering in his hostility to the passing of it on that occasion, and yet as the confidential adviser of the Crown, he intended to sanction it—he did not hesitate to say, that it would be a much more creditable part, seeing such a probability of expressing his conviction of the necessity of the measure, to give his Majesty's government his support instead of opposing the further progress of the bill. He trusted, after this remark, he should convince the hon. gentleman that he did not intend to pass this bill, should he, by possibility, be placed in office. The hon. gentleman might say, "no, you do not contemplate passing this bill in its present shape, but you may sanction a bill analogous to this with some slight alterations." If the hon. gentleman asked him whether he thought that, in the present position of public affairs and of parties, one party in that House was not necessarily pledged on the one hand to the unqualified support, and on the other to oppose, the resolution which turned him out of office, he (Sir R. Peel) would ask the hon. gentleman in reply, when that resolution had passed whether he showed any wish to make concession with respect to the principle of the resolution—whether he showed any hesitation to resign the office he held? No: he left office because he could not sanction that resolution which involved the security of the

Church of Ireland. If hon. gentlemen asked him under what possible circumstances he would consent to any relaxation of his opposition to the establishment of Irish municipal corporations, as proposed in this bill, he would reply, that he thought that hon. gentlemen had no right to ask him hypothetical questions, or expect an answer to them. But, even if he thought any possible settlement of the question practicable, he did not then think that it would be advantageous to state what he might conceive it to be. He would say, however, that it was the duty of the king's government, before they asked that House to come to a final decision on this question, to tell them what they intended to do with respect to the Irish Church. To say that that question was unconnected with the one before the House was perfectly insulting; and this was certainly not the feeling of his Majesty's government at the commencement of the session. The attention of the parliament was called to the state of Ireland, and there was an address, to which the House assented at the special invitation of the minister of the Crown, in which there was the following passage:—"We humbly assure your Majesty that we will direct our attention to the state of Ireland, which your Majesty has been graciously pleased to bring especially under our notice; and that, convinced of the wisdom of adopting all such measures as may improve the condition of that part of the United Kingdom, we will take into our early consideration the present constitution of the municipal corporations of that country, the laws which regulate the collection of tithes, and the difficult but pressing question of establishing such legal provision for the poor, guarded by prudent regulations, and by such precautions against abuse, as our experience and knowledge of the subject may enable us to suggest." Would any man tell him that it was not the duty of the government to indicate what they intended to do with regard to these two important subjects before this House; and, above all, before they were called upon to give a final decision on this measure. He had made this observation on the first night of discussing this bill, and he had repeated it. When the noble lord then said, that he would enter into an examination of the state of Ireland, he (Sir R. Peel) thought that he would have gone into an explanation of the principles on which the government intended to act with respect to all their great measures regarding Ireland. But the noble lord merely indirectly alluded to the tithe-question, and stated that the nature of the payment to be made under the poor-law bill should be explained on a future occasion. Now, he would ask the noble lord, who had taunted him with dealing in vague generalities, what he meant? Did not the noble lord, in effect, promise the early production of these measures? The noble lord must surely be supposed to have had these measures prepared and in his possession. If the noble lord had not these measures prepared, what did he mean by inducing the King of England, as his adviser, to recommend to parliament to take, not into their late consideration, not to postpone the subjects to some distant period, but to take into their early consideration the present state of the corporations, as well as the tithe question, and the difficult question of a provision for the destitute Irish poor? Would any hon. gentleman suppose for one moment, after such declarations, that the noble lord and his colleagues had not got measures prepared on these subjects, that they had not made up their minds on these questions when they alluded to them in this way? The noble lord now said that he was ready to pass a measure for the settlement of the tithe question, if he could be satisfied that it would meet with the ready assent of the House of Commons, the House of Lords, and the people of Ireland; but he went on to say, that there were great impediments in the way of framing such a measure. He would promise the noble lord, that if he brought forward these two measures for the settlement of the Irish Church question, and for the establishment of poor-laws in Ireland—if he knew what were the intentions of the government on those questions—if he knew what was the particular course which the House of Commons would pursue with respect to those two measures—he would not have pursued such a line as to have rendered himself liable to the taunt of the noble lord, and those with whom he acted, that he dealt in vague generalities with respect to the Municipal Bill; for he would have distinctly told the noble lord whether he was prepared to make any concessions on this question, and what would be the nature of such concessions. It would have been open to him to have pursued this course if he had been made acquainted with those measures; but now, being in ignorance of the nature of those measures, he felt it to be his duty to persist in offering his opposition to the bill before

the House. Knowing nothing, therefore, of the intentions of the government with respect to the tithe question and the poor-laws, he felt it to be his duty to oppose this measure; and the noble lord might be assured that if in the present condition of parties, acting on the principles he had always avowed, and ignorant of the manner in which other contemplated measures might modify the bill, he felt it incumbent on him to oppose it, he should act on the same principles if he should be called upon to accept office. If he should be inclined, on seeing these two measures with respect to the Irish Church and the establishment of poor-laws in Ireland, to modify in any degree his opposition to the Municipal Corporation Bill—with respect to which the noble lord appeared to entertain his chief anxiety—he should take an opportunity to declare distinctly what those modifications were; and to those modifications he should adhere, if they were accepted by the government; or, if they were not accepted by the government, to those modifications he would adhere, if by accident he should be placed in their situation. This he thought would be the course which alone it would be creditable to a public man to pursue. If he felt it to be his duty to meet this measure with unqualified opposition, such should be his rule of conduct if he were connected with the government; if he thought that concessions should be made, in case he took office they should be distinctly stated, and the government should also state whether they would accept them or not. These two questions were most nearly united with that before the House. Would any one deny, after the declarations that had been made, that the chances of a settlement of the church question, with security to the establishment, would not be greatly diminished by passing this bill for establishing Irish Municipal Corporations? He might be told that when they passed the Catholic Relief Bill there was the same assertion of danger to the establishment. He denied it; for when they passed the bill to remove the disqualifications and restrictions from the Catholics, they had not only the most distinct and often-repeated declarations that the removal of those restrictions would restore tranquillity to Ireland, but that it would also ensure the stability of the Established Church. With a solemn engagement that the maintenance of the Church was compatible with the removal of the disqualifications on the Catholics, the act was passed. Those disqualifications were removed; and would any one tell him that since that time the Church was not in danger? In many parts of Ireland it was notorious that combinations had been entered into for the purpose of defrauding of their legal property those who had an interest in church estates. At the present moment, also, they had a resolution of that House before them that no settlement of the tithe question could take place satisfactorily unless it was accompanied with an alienation of Church property. The noble lord said that he, and those who acted with him, had promised, on some possible occasion, that the subject of Municipal Corporations in Ireland should be taken up with a view to a settlement. They promised that they would take the subject into consideration when they saw the Church placed in a situation of security. The noble lord, when he alluded to this, seemed to imply that if any man expressed any feelings of anxiety with respect to the Church in Ireland, he was exciting an alarm that it was in danger. This was an inference that was not warranted. Let the noble lord state the nature of the bill he was prepared to propose with respect to the Irish Church; and until he did so it was impossible to give any pledge as to the conduct he should pursue with regard to it; but he would maintain the position in which he now stood in opposition to the institution of corporations in Ireland until he knew what that measure was, and he would give no pledge until he saw that it would ensure a prospect of security for the Church. But was there any prospect that by giving such institutions as were proposed in this bill that object would be attained. He believed not but that corporations instead of being framed for the purposes of local government, would be made the means of increasing the power of the political agitators. As he had said before, the state of the question with respect to this bill was essentially different from the Catholic Relief Bill. What were the objects of the supporting of this bill? It had been asserted, in a popular assembly, that the maintenance of these institutions should be insisted on in the first place, because by means of these institutions a control could be exercised over the people, and, secondly, that their influence would be exercised in a way to weaken the power of the Church. If they asked him what was his principle for the government of Ireland, he would reply, it was the main-

tenance of the principle of the Relief Bill, the freedom of religion to all classes of his Majesty's subjects. But with this condition there was co-existing another, namely, that with the establishment of perfect civil equality there should also be a legal and binding security for the maintenance of the Establishment of the Protestant Church in Ireland as the established religion of the country. If ever there was a combination of justice and wisdom in adhering to a solemn compact—both expressed and implied,—if ever considerations of equity and sound policy demanded an adherence to an engagement, it was in the case of the Protestant Church in Ireland. The legislature consented to the reduction of ten of the bishops of that establishment, and the hon. member for Meath said that a most important concession was gained by it, a larger one than he was prepared to hope for,—and what had the Church gained by it? They had also offered the settlement of the tithe question, in order to remove the burthen from the Catholic tenant, and place it on the Protestant landlord; they offered also, great reduction in the revenues of the Church for the attainment of that object, and the only principle to which they adhered, and to which they were determined to adhere, was, that they would not have the voluntary system; they would not sanction the principle that they were indifferent to the existence of any religious establishment, and they would not consent to subtract from the property of the Protestant Church in Ireland for the establishment of the Catholic or any other form of worship in its place. Relying, then, on the principle of the Catholic Relief Bill—relying on the declarations made on its passing, as well as on those directed to be taken under its enactments—relying on the principles of justice and sound policy, involved, in that case, the opposition required, and they would continue to require, legislative protection for the Church of Ireland, before they consented to give privileges which were not required by the Catholic Relief Bill, and which would only be employed for the subversion of the Established Church. He said, that arrangement was not unfair: he believed, that to these terms the country would subscribe, and the country would adhere. These were terms with which, he also believed, the noble lord himself, in the present state of political parties and discussions, would be satisfied, and on which he would be prepared to rest. The noble lord knew, also, that by the resolution which he had proposed, and which had been opposed by him as involving an abstract principle, without a practical result, the House had been fettered—he meant the resolution respecting the appropriation of Church property in Ireland. The noble lord said the other night, “taking into consideration the nature of the Act of Union, and the legal rights of the Irish Established Church to its property, it was my duty to support the establishment.” He was glad to hear that declaration; and he inferred that the noble lord agreed with him, that, on considerations both of duty and of policy, it was entitled to support. The noble lord also said, that he did not wish to bring forward bills and place them on the table, which there was not a reasonable hope and prospect of passing through parliament and giving satisfaction to the people of Ireland. He thought that the noble lord was right in this; because, bringing forward bills which it was not possible to carry to a successful termination, was a practice which, to say the least of it, was not prudent. The noble lord had further declared, in manly language, that whenever such measures were brought forward, coming from what quarter they might, and believing that they would have such a result, no feeling of false pride should prevent his giving his cordial support to them. The noble lord, he was sure, when he made use of that language, heard no taunt from him at a declaration so becoming in the noble lord's situation. He thought that the noble lord meant that he was ready, at the expense of every sacrifice—that he was ready to propose to parliament the settlement of the tithe question, independently of the resolution by which he said the question was embarrassed. If such was the intention of the noble lord, although that resolution had proved fatal to his government—if such was the intention of the noble lord, not one word of taunt should fall from him on the subject; but he would at once proceed to the consideration of the tithe question with a view to the settlement of it. He saw no other way by which this question could be satisfactorily settled. It was the evil of that resolution, neither acted on nor abandoned, that it engendered bitterness in Ireland. The noble lord and his colleagues knew that it was impossible to leave the question in its present state. The government and the legislature must do something. He thought, that it was imperative on him to make



this declaration with respect to the Irish tithe question, and to show that it was necessary that they should have an explanation of the views of the government on this question before being called upon to give an opinion on the measure before them. Again, a further explanation as to the poor-law bill was also necessary. If they adopted that bill for Ireland, it would be absolutely necessary to have some other test than residence of a fitness to exercise the right of voting for municipal officers; but until the House knew what were the intentions of the government, it would be in vain to attempt to give any explanation as to the probable bearings of that measure. If, as he had said before, after hearing an explanation of the two measures to which he had adverted, he retained his opposition to this measure, he would frankly declare it to the House and the government; and if it were possible to make any qualification of his opposition on this subject, he would as explicitly state the extent of it, and give the government the opportunity of deciding whether or not it would be sufficient for their object. He knew not what was the nature of the vague intimation on the part of his Majesty's government of their intention of relinquishing office, he knew nothing about it; he viewed it with great indifference, and he was not at all surprised at their desire to relinquish office. I do not taunt them (continued the right hon. baronet) with the desire to retain office. I believe, in the present position of public affairs, few men would take office, unless impelled by a sense of public duty. Oh! look at the position of public affairs. Look at the position of your foreign affairs. I am glad to see a smile on the noble lord's (Lord Palmerston's) face. Oh, the noble lord has a right to smile with respect to the position in which this country stands to Russia and the great powers of the north, to Spain, to France, and, indeed, with respect to all other powers. [Question.] This is the question—this is the real and pinching part of the question. Look at the state of commercial embarrassment in which the country is placed. Look at the want of employment in which many of your manufactures now are. Look at the state of the governments of the three great powers of the west of Europe at the present moment. In France there is no government—in Spain no government—and in England, the question arises from day to day, whether there is a government or not. Look, also, at the state of the public business before this House. Hundreds of questions, of great public importance, are glanced at, but not proceeded with. From day to day a great variety of observations are made, but nothing is done towards advancing them to maturity. What has hitherto been done in the course of the present session? Have any measures of importance been sent up to the House of Lords? Certainly many measures of great importance have been brought forward by the government, but no question, except the measure now under consideration, has been advanced to any thing like a result. The Irish Poor-law Bill and the Church-rate measure, have been introduced, but if you go through the whole of the parliamentary history, I do not believe that you will find a period when the public business was ever in such a state. Again, look at the state of your colonial policy. I say this in reference to those who believe that there are parties who seek, by low intrigue, to endeavour to overturn the government, and then intend to bring to maturity the measures they have introduced. If you look steadily at the state of public affairs, I think that hon. gentlemen will agree, that no man, but from a sense of public duty, would take office upon himself. If his Majesty's government wish to seek a pretext for abandoning office, and to escape from the difficulties with which they are surrounded, I do not hesitate to say that I believe there is energy enough in the country to find compensation for their loss. If the crew choose to abandon the noble vessel amidst the breakers, I do not believe she is yet so unmanageable that she cannot be saved, or that the country will not lend its cheerful support to those who would make an effort to save her, and conduct her, and all the precious interests with which she is freighted, into a tranquil and secure haven.

The House divided:—Ayes, 302; Noes, 247; majority, 55.

## PENNY STAMP ON NEWSPAPERS.

APRIL 13, 1837.

Mr. Roebuck moved for the appointment of a Select Committee, to take into consideration the expediency of abolishing the penny stamp on newspapers.

SIR ROBERT PEEL said, that the language of the hon. gentleman who had spoken last (Mr. Hume,) was so seducing, his countenance so very friendly, and his demeanour so alluring, that he was almost afraid, if he did remain entirely silent, that part of the House might infer that he was going to vote with the hon. gentleman, and the country in general might suppose, in the present state of political parties, that there was some secret communication between them—that the alliance which the hon. gentleman spoke of between those whom he called the reformers and the government was about to be dissolved, and an alliance about to be cemented between the former party and the conservatives. He therefore thought it absolutely necessary for him to inform the hon. gentleman that he agreed with his Majesty's government on the question before the House. He could assure the hon. gentleman that there was no breach of good faith in the case; and he hoped that he should not be the means of interrupting the communication of the allied parties. He understood that the right hon. gentleman (the Chancellor of the Exchequer) proposed to lay before the House documents which would exhibit to them the result of the experiment which had been made by the late reduction of the stamp-duty. The hon. gentleman said, that because he did not use vituperative language in that House, therefore he must support the removal of the penny stamp upon newspapers. The hon. gentleman had been at the pains of arranging his argument into a syllogism; but it appeared to him that there were a great many steps to be filled up in the chain of reasoning before the hon. gentleman could arrive at such a conclusion from the premises, which he hoped were themselves just, that he (Sir R. Peel) wished to discharge his duty in that House without indulging in personalities. That was the course he wished to pursue, and he presumed to think, that if every one were to follow in this respect the example which he endeavoured to set, the course of sound argument would not be obstructed, nor the character of the House of Commons lowered by it. He did not see why, because he deserved that character of abstaining from personalities, he should vote for the removal of this duty. The hon. gentleman ought to be more impartial in his censures of the public press. The hon. gentleman took one class of newspapers; he (Sir R. Peel) read others; for he thought a public man would very inadequately perform his duty if he abstained from consulting the public journals. He (Sir R. Peel) did consult the journals; and he was happy to say, after long experience he had now got so callous that he could read them without the slightest disturbance. He could assure the hon. gentleman that although he had got a very extensive selection of journals, which he actually took in, and many more were forwarded to him by some good-natured friend or other, he could not say he found the penny newspapers much more complimentary than the others. (There's the *Penny Magazine*.) He sometimes read the *Penny Magazine*; he found no vituperation in that; and great instruction and amusement were to be derived from perusing even this. But there were newspapers sold for much less than 5d. under the new stamp laws; and he did not find that they improved in mildness in proportion as they descended in price. He also received publications which were subject to no stamp, and he did not find them more complimentary than those which were. From all this combination of circumstances, he inferred that they would not, by entirely removing the duty on newspapers, have a very effectual security against vituperation. When party spirit became very high, he believed they must expect that offences against good manners would occur. They could hardly hope for perfect freedom from vituperation; and it would be a dangerous argument to employ against the utility of the press that they occasionally found some severe personal abuse. The hon. gentleman surely would not contend that the state should be called on to give any premium on newspapers; but would they not be giving a premium on newspapers if they provided coaches and horses at the public expense to convey them? A very important and extensive experiment had been made last year by the reduction of duty: and one very beneficial effect of the change was, that it had put an end to what might be called smuggling in this branch of the revenue. The Chancellor of the Exchequer intended to lay before the House documents which would furnish them with authentic information on the whole subject, but his own present information, was in accordance with the views of the government. If the experiment should not prove to be successful, then the question of the removal of the penny stamp might be considered; but he did not see that its

maintenance could be considered in the slightest degree unjust, if the proprietors of the newspapers were relieved from all the charges of conveyance. It might be said, that those which were sold in the metropolis did not derive the same advantage with those which were sent to the country; but it was impossible, in any general arrangement of this kind, to mete out exactly the same amount of favour to every public journal. He thought the principle of the duty just, and the state had a fair right to levy an equivalent for the charge to which it was put. The hon. member would admit the fairness of a stamp duty. [Mr. Hume: of a postage.] He did not see that newspapers would gain any thing by the substitution of a postage. He very much doubted whether the existence of a stamp duty, and the free transmission of newspapers by post, would not be more advantageous to the proprietors than a postage, varying according to the distance which the newspaper was conveyed. Hon. gentlemen on the other side wished that the postage should be proportioned to the expense of conveyance. The hon. gentleman (Mr. Wakley) maintained, that the country was not enlightened; but he ought to remember that the charge of enlightening the persons who had figured in the anecdotes with which he had favoured the House, would be very heavy, compared with the charge of enlightening those who dwelt in the vicinity of the metropolis. Civilization and knowledge generally decreased in proportion to the distance of a locality from the metropolis, and yet, the hon. gentleman would exactly invert the rule, because in the neighbourhood of the metropolis the postage duty would be very light, while in those villages of Devonshire which the hon. gentleman wanted to make accessible to the light of knowledge, and which were some 200 or 250 miles distant from London, a heavy postage must be paid. He thought that the views of the hon. gentleman would be best followed up, that knowledge would be most widely extended, and civilization most effectually promoted, by charging one stamp duty upon all newspapers, and giving to the population which was nearest to the great centre of civilization no unfair advantage over that which was most distant from it. Upon these grounds, he must express his opinion as decidedly as he could against the motion. He could assure the hon. member for Finsbury, that he was not meditating the repeal of this tax, for his opinion in favour of maintaining it could not be stronger. If the progress of the experiment which was now going on, and the documents promised by the right hon. gentleman, should lead to the conclusion that the tone of the press might be improved by the proposed measure, that would be a subject for subsequent consideration; on that he would give no opinion; but he had heard nothing in the speech of the right hon. gentleman from which he dissented. He had not intended to say any thing on this question; but the tone of the hon. gentleman (Mr. Wakley's) observations had made it necessary for him to offer to the House the few observations which he had made.

The motion was negatived.

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## CANADA.

APRIL 14, 1837.

In a committee of the whole House, to take into consideration certain resolutions proposed by Lord John Russell relative to the legislative council of Lower Canada.

SIR R. PEEL wished to avail himself of the present opportunity to explain to the House the reasons for the vote which he was now about to give upon this question, and the view which he took of the resolutions which had been proposed by the noble lord. He assured the hon. and learned member for Bath, that he was never more mistaken in his life than in the impression which he seemed to entertain that he would abstain from delivering his opinions on this question, in order to increase the embarrassment of his Majesty's government in dealing with this subject; and it was not because he concurred with the propositions of the hon. and learned member for Bath, or blamed the noble lord for the course which he had marked out for the government in his resolutions, but because he agreed with his noble friend near him, (Lord Stanley,) and participated in the objections which he had made to those resolutions, that he now expressed his fears that these resolutions would irritate the Canadians, and yet not be efficient for the purposes for which they were intended.

He should vote in favour of the noble lord's resolutions, because he felt that, if they were to be efficient at all, their efficiency must depend on the unanimity, or if not on the unanimity, on the very large majority, by which they were carried. Yet, though he disagreed with those resolutions in some essential points, still, balancing the reasons of his dissent against the evils which were likely to arise from abandoning his opinion on mere matters of detail, he thought that the advantage arising from the Canadians knowing the unanimity, or nearly the unanimity, of the House in passing those resolutions, would more than compensate the mischief which was likely to arise from his not pressing the points on which he differed from the noble lord at the head of his Majesty's government in that House. The hon. and learned member for Bath had that evening proposed to the House a new scheme of government for the Canadas, and had asked hon. members to explain why they hesitated to adopt it. He, for one, would give the hon. and learned member for Bath that explanation. First of all, he hesitated to adopt it because it was at variance with the recorded resolutions of the Canadians themselves; and secondly, because he considered it the most absurd scheme of government that he had ever heard of in the whole course of his life. He would endeavour by a few observations to make the House sensible of the two grounds on which he had determined to reject the proposition of the hon. and learned member for Bath. The hon. and learned member said, "I will have no elective council, but my new constitution shall be this—there shall be a governor, and elective House of Assembly. The governor shall also have the power of naming ten councillors, who shall hold their appointments during pleasure. They shall have no power but that of suggesting amendments to the measures passed by the House of Assembly. When they have suggested their amendments, the governor shall return the measures to the House of Assembly, and then, if the House of Assembly shall not agree to their suggestions, the governor shall be empowered, if he thinks fit, to propose a veto." This was the proposition of the hon. and learned member for Bath, from which he inferred, that the hon. and learned member wished to establish in Lower Canada, a complete democracy, or at any rate a republic with monarchial institutions. Now, this was directly contrary to the wishes of the inhabitants of that colony, as embodied in the resolutions of their House of Assembly; for, in their last resolutions, they expressed "their constant and unalterable conviction, guided by the principles of the constitution itself, and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principle of popular election shall be introduced into the constitution of the legislative council." Hence he inferred, that the inhabitants of Upper Canada never would be satisfied until the principle of popular election was grafted upon the constitution of the Elective Council. And yet, notwithstanding this declaration on the part of the House of Assembly, the hon. and learned member for Bath came forward to propose a scheme which got rid of a legislative council, elected by a popular assembly; and when that scheme was already rejected by the House of Assembly of Upper Canada, appealed to the House of Commons, and said—"Here is a ground of accommodation—why do you hesitate to accept it?" He would tell the hon. and learned member, that he hesitated to accept it, because the hon. member had not proved that he had authority to offer it, and because it was already clear beforehand, that it would be rejected by the Canadian House of Assembly, on the principles of their own declaration. Moreover, the hon. member's plan involved a scheme of government which, of all the schemes that he had ever heard of, was the most absurd and impracticable. To expect that a governor sent out from this country, and without any connexions in Lower Canada, could interpose his veto upon the acts of the House of Assembly, and yet conciliate to his government affection and respect, was in theory absurd, and in practice would be impossible. How could the veto of a governor, who had no power to break the opposition of a popular assembly, give satisfaction to the people whom he was sent to govern? With respect to these resolutions, he must say, that he doubted from the first the policy of sending out the commission to Canada, and he must now add, that his doubts had been confirmed by its results. He had always considered it probable that the commission would be received, as it had been, by the Canadians, with jealousy, and he had therefore been, and still was, of opinion, that if a governor had been sent out to that colony, armed with full authority, and entering Canada as the immediate representative of his Majesty, and empowered to act in all things in his

Majesty's name, he would have been more likely than any commissioners to have brought the existing differences between the mother country and the colony, to a satisfactory settlement. When he looked at the reports of those commissioners, and found that they did not give any new information on the state of popular feeling in Lower Canada, nor any new ideas as to the mode of governing that colony, and when he likewise found that the commissioners had given in a series of reports from which one of them regularly dissented, and that there was as great unwillingness on the part of the third commissioner to decide between the two others, he saw that he had not in their reports any safe guide upon which to form his own opinions. He believed, that it was generally admitted that the two main resolutions in this paper were the fourth and the eighth. It was hardly necessary to discuss the other resolutions, for the importance of the two resolutions to which he had just adverted was so great, that all the rest (as, for instance, those regarding the tenure of land and the local duties) he dismissed as of a perfectly subordinate nature. The condition of Canada, so far as its government was concerned, was this:—It was now five years, or at least four years and a-half, since the judges of that colony, and various individuals in official employment, had not received any remuneration for their services, and the House of Assembly had declared that it would not provide any remuneration for their services, or for the conduct of the local government, unless England consented to a change in the constitution of the colony. Till that were accomplished, the colonists threatened to put a stop to all communication. What course, then, shall we pursue? That, and that only, was the question then before the House. He would not suffer himself to be betrayed by the taunts and reproaches of the hon. and learned member for Bath into expressing himself with any thing like exasperation against the French Canadians. He sincerely wished them well. He had read the account given by that excellent officer, Sir James Kempt, of their national feeling and character. He believed that they were, in the words of Sir J. Kempt, a loyal and excellent people, liable to be deceived, and prone to view with distrust the acts of government; and his wish that they might long exist under the protection of the British government, remained unchanged by any violence into which they had recently been betrayed. If the Canadian people were a separate people, living on the confines of the United States, and if no other interests but those of the French Canadians were involved in this question, and if the question itself were not embarrassed by the state of Upper Canada and the bearing upon it of British interests in other American provinces, then, in case the British connexion was unpalatable to the French Canadians, and they supposed that by serving it they could promote their own interests, he should not hesitate to say, "God forbid that we should force British connexion upon them." He would go further, and he would not hesitate to say at once to the French Canadians, "It is more for the benefit of England, even than it is for your benefit, that the connexion between us should be dissolved." For when he recollected the state of certain duties which were imposed upon us in connexion with Lower Canada,—when he recollected the evil of collision with its powerful neighbour, to which we were exposed on its account—when he recollected that we might at any moment be called upon to defend that colony from all comers, not from any local interests of our own, but from a point of honour involving our character as its protector, he must say, that if it were a mere Canadian question, he should have no objection to see the connexion dissolved, and Lower Canada establishing its own government as an independent state, or if it thought itself incapable of supporting its own independence, seeking an amicable alliance with another power. But that was not the question at present before the House. He doubted whether, if he were to tell the French Canadians, supposing it to be a simple Canadian question, "We are ready to dissolve the union between us—seek an union, if you like, with the United States, or if you are determined on your own independence, form yourselves into an independent nation, and be prepared to defend your independence for yourselves,"—he doubted, he said, in such a case whether, notwithstanding the threats in which the honourable and learned member for Bath had indulged his genius, and the menaces which he had held out of 10,000 riflemen ready to start up against us,—he doubted whether, when we came to the point of separation, it would not turn out, that partly from good feelings arising from the connexion which had now subsisted between us for seventy or eighty years, and partly from the good sense of the people, calmly re-

viewing their own interests, and reflecting upon the powerful protection of the British people in the hour of necessity, they would not restrain their exasperation and reconcile themselves again to their duty and allegiance. But this question, as he had said before, could not be viewed with reference to the French Canadians alone. There was a British population in their province which had a right to look up to this country, not for predominance, not for exclusive privileges, but for British connexion, on the faith of the constitution which this country had framed for them. Look at the position of Lower Canada, commanding the entrance into the river St. Lawrence, and then ask whether a population of half a million had a right to say, "We insist upon a measure which, in the heart of the British colonies in North America, will constitute a French republic?" What right, he would ask, had one portion of our dominions on that great continent to make this demand? If the formation of an elective council were a good measure for Lower Canada, why was it not a good measure for Upper Canada, for New Brunswick, and for all our other American possessions? And if we were prepared to accede to such a fundamental change in the constitution of Lower Canada, how could we refuse to accede to it, if demanded elsewhere? But if we apprehended that the formation of such an elective council would endanger British interests, first of all in Lower Canada, and ultimately in all the other British provinces, then we must regard it as a question not affecting the French Canadians merely, but as affecting the security and tranquillity of our other neighbouring possessions. The question then again came to this:—"Shall we consent to let the judges and the other servants of government remain without salaries unless we allow the Canadian to attach to the payment of their salaries a fundamental change in the constitution of Lower Canada?" It was a disgrace—he would speak out plainly—it was a disgrace to the people of this country that its public servants in Lower Canada should remain year after year without remuneration. If they were to ask him what proceeding was most likely to diminish the respect due to British authority in the colonies, he should reply, that it was the continued poverty of those servants who were necessarily employed in conducting the public service. Were we to abandon the colonies to themselves upon points of such paramount importance? Were we prepared to assert, that there should be no care taken for the due administration of justice—no functions performed by the civil servants of the government? Although the hon. and learned member for Bath might call the persons in the employment of the British government "its howling officials," the House must consider them as honourable men, engaged at a distance from their homes in official duties, and must see them provided for accordingly. Their salaries were the means of their subsistence. Was it fitting that the King of England should have in his employment persons necessary for the performance of his service, and that they should remain for four years and a half in the discharge of their duties, without receiving a single farthing in way of remuneration? At that very moment the judges in Lower Canada were in a state of destitution, not only exciting the sympathy of individuals, but also diminishing the respect due to the judicial character. They were compelled, he had understood, to pawn their books and plate,—but it was too disgusting to enter into such details, and he therefore would not allude further to their distress. If remuneration were to be made to them, by whom should it be made? That was the next question which the House was to consider. It was not denied in any quarter that some remuneration ought to be made to them. The only alternative then left was, that either this country or the colony must provide them with remuneration. Now, as the service was local, and for the promotion of colonial interests, he did not think that the people of England would consent to make a permanent provision for these colonial functionaries. The means of providing for them should come out of the colonial treasury. The objection made by the Canadians to that course was, that they would only consent to pay the arrears on condition that England should make a fundamental change in the constitution of Lower Canada. No alternative, therefore, remained but that of interposing the authority of the Imperial Parliament, and of saying—"The remuneration of these functionaries must come from the colonies themselves." The act of the Canadian assembly refusing the usual appropriations, was an act passed but recently. The House would not, therefore, be called on to disturb any ancient system. What he doubted was, whether, if we were to violate a constitutional principle in this respect, it would not be better to adopt the

advice of the commissioners on the single point on which they had the good fortune to be unanimous. The single point on which they agreed was—and they differed on every other point of colonial government—to advise the suspension of the Act of 1 and 2 William IV., c. 23. They stated their agreement upon that point distinctly. They suggested a doubt whether the constitution should not be departed from for a given number of years. He thought with the noble lord (Lord John Russell), that whenever the legislature should take a step which had the character of violence, it should be cautious not to proceed further than was absolutely necessary. In our contest with our colonies we ought not to be betrayed into any act which could place us, the superior power, in the wrong. He did not, however, see what advance we should make towards a settlement of this question by interfering with the Act 1 and 2 William IV., and in taking from the colonial treasury the arrears of salaries now due to the colonial servants. Suppose another year to pass away, and the salaries to be then again in arrear, we should still be in our present position—the scandal and disgrace of our situation would be the same; the exasperation in the minds of the members of the assembly would be increased by our interference; and, whatever might be the majority by which our interference was approved in that House, he could not see what inducement it would afford to the House of Assembly to grant the salaries then due. When men made their minds up to the contravention of a great constitutional principle, it did not make much difference in point of moral estimation as to the extent to which they carried their contravention. The contravention was the same; but the degree of irritation which it might excite was different. What he anticipated as the result of these resolutions was, irritation in the House of Assembly at the course which we were pursuing, arising from the conviction that, if it were available for the arrears due at present, it might be made equally available for the arrears which might become due after these resolutions were passed. He meant to say, that he would as soon consent to the abrogation of the Act 1 and 2 William IV., as to its suspension for the purpose of paying these salaries. [Mr. Roebuck: Hear.] He argued from the cheers of the hon. and learned member that he concurred with him. The hon. and learned member feared with him the repetition of this precedent. Then he would suggest as an amicable compromise, that the King's government should recede so far from their present proposition as to recommend the suspension of the Act 1 and 2 William IV., rather than the temporary repeal of it. He repeated, that the temporary repeal of it would only produce irritation, without attaining the object of the government. One of the resolutions to which the House had assented on the last night when this subject was before it, and which had again been brought under its consideration by the amendment of the hon. and learned member for Bath, related to the legislative council. He regretted the terms in which that resolution was worded. It said, "That in the existing state of Lower Canada, it is unadvisable to make the legislative council of that province an elective body." It was his opinion, that an elective council with an elective House of Assembly was but a bad system of government; and when he assented to the proposition, that in the existing state of the colony it was unadvisable to make the legislative council elective, he wished to guard himself against the inference, that if the state of the colony were altered, such a measure would be advisable. If he could agree to the principle, which he did not, of an elective council being an advisable measure in itself, he would say, "Let us establish it at once." It might be, that the absence of this elective council was at the bottom of all those dissensions with the colony of Lower Canada—and if it were, then we ought to lay the foundation at once of an elective instead of a legislative council. If delay in appointing an elective council were only justified by the existing state of the colony, on what ground could he refuse it to our other colonies, where the existing circumstances were not like those of Lower Canada? If the House of Commons was of opinion, that the existing state of Lower Canada was the only objection to the rendering the legislative council of that province elective, why did they withhold elective councils from our other colonies, where the existing state of things was different from that of Lower Canada? For these reasons, he objected to the terms in which this resolution was couched. He would not enter into any discussion on the other resolutions. In point of fact, he concurred in their propriety. He thought, that the bargain made with the North American Land Company should be maintained

inviolable, as the national faith was pledged to it. He trusted, that in these observations he had not said one word betokening either hostility to the French Canadians, or indifference to their prosperity and welfare. He saw no hope of the connection between us being advantageous to England, if there were a permanent feeling among the French Canadian population that it would be disadvantageous to them. Most earnestly, therefore, did he hope that some terms might be devised, or that some event might turn up, which would restore peace and harmony between the colony and England. If he thought that the resolutions proposed by his Majesty's government were unjust, he would not consent to pass them; but he felt that they were just, and therefore he gave them his cordial support. If the House of Assembly in Lower Canada persisted in refusing to make provision for Canadian services, or attached as a condition to their making such provision, that their constitution should be altered, we were called upon to assert our supremacy, and to say, "We will not alter your constitution on such a condition—if you refuse to make provision for the services of your own government, we will not throw that burthen on the people of England—we will throw it on the shoulders of those on whom it ought to rest. We will interpose the authority of the Imperial Parliament, and will provide for the remuneration of the servants of the Canadian local government, from Canadian sources." He hoped that he had satisfied the hon. and learned member for Bath, that the silence on which he had commented had not arisen from a desire to shrink from any unpopularity which might betide those who voted in favour of these resolutions. At the same time, in justice to himself, he must say, that he should have voted more cheerfully for other resolutions, which, involving the same principles, had carried them further in practical extent, and which, by relieving us from the necessity of recurring to the same precedent at no distant day, would have facilitated the settlement of this question, and brought nearer the termination of these unfortunate dissensions.

Fifth resolution confirmed; House resumed; committee to sit again.

APRIL 21, 1837.

On the order of the day being read for the House to resolve itself into a Committee on the Canada Resolutions, Mr. Leader moved, "That their further consideration be deferred for six months."

SIR ROBERT PEEL said, the hon. and learned gentleman, the member for Bath (Mr. Roebuck), had proposed a scheme of government for the Canadas, which, of course, that gentleman deemed the fittest and most proper, as well as the wisest that could be adopted. But the hon. and learned gentleman must allow him to say, that he appeared to him to be a little too irritable for the framer of a constitution. On the present occasion, however, it appeared that all the irritability exhibited by the hon. and learned gentleman, arose from his having expressed an opinion that the hon. and learned gentleman's scheme was absurd. He should have escaped all the phials of wrath that the hon. and learned gentleman had poured out upon him, if he had not used the word "absurd," in reference to the famous scheme of government he had propounded. He (Sir R. Peel) was sorry, however, notwithstanding all the hon. and learned gentleman's indignation, that subsequent reflection only confirmed his first impression with respect to that scheme. His original impression was, as he had stated it to be, that the scheme was absurd—intervening reflection induced him to retain the same opinion. He still thought it absurd. When he said this, he intended to speak with no disrespect of the hon. and learned gentleman himself—he applied the term not to the hon. and learned gentleman, but to his plan. But when the hon. and learned gentleman spoke of his (Sir R. Peel's) ignorance upon colonial matters, the hon. and learned gentleman must allow him to say, that he thought the hon. and learned gentleman had only proved his own. He did not profess to be very abundantly versed in colonial affairs. But what was the course that the hon. and learned gentleman had pursued? Suddenly, and without any previous notice, he came forward with a plan of his own, and, in asking the House to adopt it, proposed at once to change the whole course of policy suggested by the government, and to postpone the resolutions that had been brought forward, in order that his scheme might go forth to the Canadian people. "And," said the hon. and learned gentleman, addressing himself particularly to him (Sir R. Peel), "You are entirely



wrong in supposing that my plan would not be acceptable to the Canadian people: you said, that the Roman Catholic Relief bill was not necessary—you were wrong; you said, that Parliamentary Reform was not required—you were wrong; you say now, that the people of Canada will not like my plan—there, again, I tell you, you are wrong.” This was the line of argument adopted by the hon. and learned gentleman. Now, was it borne out by the fact? Had not the people of Canada passed a resolution, declaring that they preferred a different plan? He presumed that the hon. and learned gentleman would allow that the people of Canada knew at least what their own views were, even if they did not understand their own interests. He had read an extract from a Canadian resolution, by which it appeared, that so far from preferring a legislative council, holding office at the pleasure and mere will of the Crown, the people of the Canadas expressed and placed upon record an opinion, that the form of council which they preferred was a council elected by the people. What right, then, had he to infer that the plan of the hon. and learned gentleman would be acceptable to the Canadian people, when he had before him the strongest evidence to the contrary? His impression upon the point was not founded upon surmise; he had before him the declaration of the Canadians, that the form of council that they preferred was a council deriving its existence and its authority from them by election. Such were their views; yet the hon. and learned gentleman told him, that by not agreeing to his plan, he (Sir Robert Peel) proved himself utterly and entirely ignorant of all colonial affairs, because, in point of fact, a similar plan already prevailed in some of the colonial possessions of Great Britain. As he had before stated, he did not profess any intimate knowledge of colonial affairs, nor had he of late inquired much into the colonial system of government; but he was greatly mistaken if he was not right, and the hon. and learned gentleman wrong, when he stated that the form of government which he proposed, already prevailed in some of the colonies. He was very much mistaken if in any one of our colonial possessions such a form of government prevailed. This was the point upon which the hon. and learned gentleman founded his charge of ignorance. “You contend against my plan,” said he, “and call it absurd, because it has never been tried or exhibited in any one of our colonies; I tell you, on the other hand, that you are totally ignorant upon the matter, because the plan has been tried, and does certainly now prevail in some of the colonies.” He had yet to learn in what colony it prevailed. Now, as to the plan itself, what was it that the hon. and learned gentleman proposed? “I object,” said he, “to a council appointed for life, and at the will of the Crown, and, therefore, I propose to establish a council of a different description.” When the hon. and learned gentleman made that proposition, did he in fact propose to establish a legislative council? Just observe the gross fallacy of the proposition—“I object to a council appointed for life, and at the will of the Crown, therefore I will have a council established on a different principle.” He said, that such a council as that which the hon. and learned gentleman proposed would not be a legislative council. The hon. and learned gentleman’s proposition amounted to this,—that the present legislative council should be abolished, and that some other assembly should be substituted in its room. There were legislative councils in the other colonies holding office during pleasure, and appointed by the Crown; and indeed, as far as appointment was concerned, he knew perfectly well that the legislative councils of the Canadas were appointed by the Crown; but there was this difference between the Canadas and our other colonial possessions—in the former the legislative councils held office for life, in the latter they held office only during pleasure. But the question at issue between him and the hon. gentleman was this, “Is there any colony appertaining to the Crown of Great Britain, in which there is a House of Assembly deriving its authority from election of the people, in which there is not also a council, however that council may be appointed, which has co-ordinate functions with the House of Assembly?” That was the question; and if the hon. and learned gentleman did not know that there was no such colony—as the last thing that he (Sir R. Peel) wished was to bandy terms with him—he would not say that he showed his ignorance, but that he had at all events vindicated himself from the charge of ignorance, which the hon. and learned gentleman had levelled against him. The hon. and learned gentleman produced a scheme of government, which he (Sir R. Peel) understood to be this,—that in Lower Canada there should be a body, which

the hon. and learned gentleman called a council, which should have no legislative power whatever, but which should have the agreeable task of washing up the dirty linen of the provincial legislature; of correcting, in other words, the blunders of the House of Assembly; but to whose labours, in their choice and enviable avocations, the House of Assembly should not be bound to pay the least attention. If that were a correct statement of the hon. and learned gentleman's plan, he (Sir R. Peel) repeated, that the council he would establish would not be a legislative council, but a mere body appointed by the Crown, with the power of humbly suggesting certain amendments that it might happen to think proper, in bills that had passed through the House of Assembly. Now, to the opinions or suggestions of such a body, appointed only during pleasure, it appeared to him (Sir R. Peel) exceedingly improbable that the House of Assembly would attach any great weight. He thought it most likely that the same difficulties, arising from offended pride, as regarded the adoption of amendments, would exist between the new council and the House of Assembly, as had already existed between the legislative council and that body; and then the governor, as the arbiter between the contending parties, would have to interpose his simple veto. Now, it appeared to him to be a course much more abrupt, and more likely to give offence to an assembly elected by the people, than if there were an intermediate body, composed of persons of as high authority as could be procured in the colony, and to whose decision all the weight should be given that could be derived from their occupying an independent station—it appeared to him that, *à priori*, the colony would be less likely to reject measures accepted by such a body, than if they came recommended only to them by the assent of a governor sent out to them by the mother country. That was the ground upon which, in the former debate, he had expressed his dissent from the hon. and learned gentleman; admitting that he had not had time to give to his plan a very mature consideration.

The House divided on the original question. Ayes, 182; Noes, 29; Majority 153. The House then went into committee, and clause 6 was agreed to.

### ADMISSION OF FREEMEN.

APRIL 26, 1837.

Mr. Williams moved the second reading of this Bill.

SIR ROBERT PEEL (in reply to a remark by Mr. Mark Phillips) said, that it appeared to him that these two measures stood on distinct grounds. There was no connection between them. If the hon. member for Manchester was disgusted with the conduct of the freemen, and thought that, by relieving them of this tax, he was giving them an undue advantage, he ought to vote against the Bill. The hon. member said, that he had viewed the conduct of the freemen with disgust and indignation, but he was willing to grant them this boon if he could obtain any facilities for the £10 householders with respect to the rate-paying clauses. He thought the noble lord (J. Russell) took a very unjust advantage of this proposition. The noble lord said to hon. members on the opposition side of the House, "You are bidding for the favour of the freemen, and I will bid for the good-will of the £10 householders." There was no connection between the two questions. If it was right that the £10 householders should be relieved from the payment of rates before acquiring a right to the franchise, let them be relieved on the grounds of policy or justice; but they ought not to consider the freemen and the £10 householders as two adverse and antagonist bodies, and determine, that because one body was exempted from a certain charge, the other had a right to demand a corresponding relief. Let them ask themselves in either case, whether the proposed exemption was just or not, and relieve either the freemen or the £10 householders as they found them entitled, according to the merits of each case. He (Sir R. Peel) should certainly, if there was a necessary connection between the repeal of the tax on the admission of freemen, and the noble lord's proposition respecting the rate-paying clauses, reserve to himself the right of questioning, at a future stage of the bill, the propriety of relieving the freemen from that charge, at the expense of breaking down the qualification required by the Reform Act. He had always defended the rights of the freemen as they were established under the Reform Bill. He had never con-

templated any extension of them, and he did not think that they had any right to call for such an extension. If it were contended that this bill would diminish corruption, that might be a good and valid reason for relieving the freemen of the charge imposed upon them; but if it were urged that a relaxation of the rate-paying clauses ought to accompany this exemption, that argument would certainly not have the effect of recommending the measure. The sole ground on which this bill might be supported, was not from any inherent right that the Reform Bill conferred on the freemen, because their franchise existed before the Reform Act passed: but if it would diminish corruption, that might be a very sufficient reason for agreeing to it. He was glad to hear the course which he had himself pursued, when the rights of the freemen were called in question, so amply vindicated by the testimony which hon. members opposite had borne to the virtuous and honourable conduct of the freemen. He felt assured that private electioneering motives had nothing to do with that testimony. It was given upon a comprehensive philosophical view of the abstract merits of the question. It was a source of the greatest satisfaction to him to find, on the most unimpeachable evidence, that those whose privileges he had always defended, were the purest and the most incorruptible body of men in the country. What an injury then, what injustice, would the House have committed, if the representatives of the people had had their own way! What a great example of purity would they have lost! And yet they were now told, that the Reform Bill was actually carried owing to the virtuous exertions of the freemen! The hon. member for Coventry had told them so in express terms. He did not tell the House, as the hon. member for Manchester did, that he had viewed the conduct of the freemen with disgust; but he declared that the freemen themselves were so anxious for the extension of the franchise, that with a virtuous disinterestedness, "above all Greek, above all Roman fame," they had forced their representatives to vote for the Reform Bill. Why, what ingratitude would it have been if the House had turned round on this virtuous body, and deprived them of any portion of the rights secured to them by the very bill which they had been so instrumental in carrying. The hon. member for Ipswich, and the hon. member for Chester, and the hon. member for Coventry, ought to congratulate him on his judgment. They really ought to originate a subscription for him for a piece of plate, for having exerted himself to protect the freemen from the consequences of their own virtue, and thus hold him up as a testimony to all future times, that merit would sooner or later have its reward. The hon. member for Ipswich declared on his honour, that there were 1,500 freemen who voted for him, and that his election only cost him £25. He had defended the right of freemen to vote, on the ground that it was an hereditary franchise, that it was limited in extent, and one which established a connection between degrees in society, which the uniform character of the £10 qualification did not admit of. He was glad to find an admission—he would not say a reluctant admission, as he was quite sure their votes would not be given with a reference to private electioneering interests—on the part of hon. members opposite, of the justice of these views, an admission which entirely reconciled him to the vituperations which he had received from the Attorney-general and several hon. members on the ministerial benches, for having defended the rights of this virtuous body, when the House of Commons was prepared to deprive them of those rights. When, however, he was asked to carry those rights further, and to relieve the freemen from a pecuniary charge which lay upon them before the passing of the Reform Bill, he must say, that if one of the necessary consequences of yielding to this request was to be the breaking down of the qualification established under the Reform Act, he should hesitate before he gave his final assent to this measure.

The bill was read a second time.

## POOR LAWS (IRELAND.)

MAY 1, 1837.

In the adjourned debate on the question, that this Bill be read a second time,—

SIR ROBERT PEEL said, he begged to differ from the hon. gentleman who had just sat down (Mr. Pryme), as to the reason he had given for objecting to the principle

of this measure. It appeared to him, that if the objection the hon. gentleman had urged were valid with regard to an Irish poor-law, it would be equally so against any poor-law whatever, because it was utterly impossible to raise money for such a purpose, without, in some degree, diminishing the fund to be expended in the employment of productive labour. The same objection was applicable to every case in which money was raised by way of a rate. It was urged that a poor-law in Ireland would put an end to all private charity—to all voluntary acts of relief—because it took away from the fund which would otherwise be devoted to the employment of labour; but he apprehended that the just object of a poor-law was not the employment of productive labour, but the establishment of a provision for the poor in cases of extraordinary destitution. It could not, however, reasonably be expected, that, even were employment so general that the most active stimulus to industry existed, there would not always be some cases where destitution, want, and misery, would have a strong claim upon the benevolence of charitably disposed individuals. If, then, such was the case, it was not fair to say, that one class of persons should, from their charitable motives, be driven to the necessity of maintaining the destitute. The real object of a poor-law was to provide for the destitute, and the moment they carried the principle of a poor-law beyond that, then it would be that they would be rendering it open to the objection of the hon. member for Cambridge. Let them go back to earlier times than the date of the 43rd of Queen Elizabeth; let them go to the reigns of Henry VIII. and of Edward VI., and they would find that the necessity of compulsory relief of the poor and destitute was even then felt. Parties, in the first instance, were asked before the clergy for voluntary contributions, afterwards sent before the bishop, and then before the justices of the peace, by whom, if they still refused to give them, they were liable to be committed. So that even, at that early period, they did, in fact, avoid the imposition of an unjust and unequal burthen—of a burthen that bore heavily on any one particular class. They did, at that early period, show by their ultimate application of a compulsory principle, what were the effects of a mere reliance upon voluntary contributions. At last, they were obliged to have recourse to the 43rd of Elizabeth, to the principle, in fact, of this Irish poor-law bill, for the purpose, first, of insuring some regular and systematic mode of relief in cases of destitution and want; and, secondly, of equalizing the distribution of the burthen with reference to those who were to bear it. It was his intention to vote for the second reading of the bill, and he did not agree with the hon. and learned member for the University of Dublin in urging the expediency of delay. But though he intended to apply himself to the consideration of the details of the measure in committee, yet it would be uncandid on his part if he did not state, that he had considerable doubts as to its results being by any means so favourable as was anticipated. So universal, however, was the feeling that a poor-law should be tried in Ireland—so general was the demand for some measure upon the subject—that it would be inconsistent with justice not to listen to the appeal; and, as it had become absolutely necessary that the experiment should be made, the sooner that experiment was made the better. He did not think that any doubt as to the consequences of the bill, afforded a sufficient reason for delay, and those doubts would not be removed by their remaining longer than was necessary on the threshold, as it were, of the measure. It was better first, to make the experiment, and then to found upon experience of its consequences, the basis of any alterations that might seem to be required. The best way, he believed, was to make the experiment at once, and though he was ready to admit that he had doubts as to the result, yet he would not let them operate with him so far as to lead him to think them a cause for delaying the trial of the measure. They had committees and commissions who had reported upon the subject, and if they were not now ready to decide upon the principle to be adopted, he feared that the intervening agitation might excite the public mind in a manner which would be highly prejudicial to the fair trial of the experiment; and he much doubted whether delay would tend to throw any greater light upon the question. Under these circumstances, he repeated he would vote for the second reading of the bill, and he hoped it would be allowed to take precedence of many other measures; and that, under the auspices of the noble lord, it would be allowed to proceed as quickly as possible, and be discussed in a calm and dispassionate temper, and with the absence of all party spirit. Some hon. gentleman said, and with some reason, that the

favourable results of the English bill were presumptive evidence of the satisfactory issue of the present. Now, they had tried the workhouse system in England, and some of the results of the English measure were already under the consideration of the House. He had voted in favour of that bill, and he always would support it, whether such course were a popular one or not; but he was bound to say, that the experiment of the English bill was made under circumstances far more favourable than those attending the introduction of a similar system into Ireland. Up to this year employment had, in England, been general, and the demand for active industry great. But, in connection with the application of a similar measure to Ireland, there were important considerations to be attended to. He saw all the evils and all the disadvantages of applying a settlement to Ireland in such a manner as to confine the ideas of a people fond of emigration within certain limits. Labour, in fact, was nothing without capital, and to discourage the removal of it to wherever there was the greatest demand for it, would be an effectual obstacle to active industry. On the other hand, it was impossible to tell what the effect of this workhouse system might be, provided out-door relief were had recourse to. There might be certain parts of Ireland where they might give the people a right of settlement with advantage: and if, in the large towns and seaports, where the idle and vagrants were chiefly to be found, a natural connection with the soil were given to them, the whole burthen of their support might then fall upon the places to which they preferred to belong. But the bill refused relief except within the workhouse; and the poor of Ireland were about to be deprived of the same relief as that to which the poor of England were entitled; and this was attempted to be justified by the argument, that the English poor were entitled to relief by prescription. That was, however, a nice distinction, inasmuch as it was clear, according to the construction of all law, that the English poor were entitled to relief by law, as well as by prescription. But what was to be done when the workhouse was full, if no relief were to be afforded beyond it? That alone was sufficient to show, that they could not act rigidly upon that principle. He was afraid they would find their unions too large. He doubted whether, the principle of relief within the workhouse being once admitted, the system of excluding parties, living at a distance of perhaps fourteen miles from the workhouse, would not prove that the unions would be cumbrous. There was another principle of the measure to which he wished to advert. It was very discouraging that no one member of a family who was destitute, should be admitted within the workhouse without the whole of his family going with him; so that, where one member of a family of even ten children chanced to be disabled, that one could not obtain relief without that relief amounting to a provision of board and lodging for the other nine. The necessary consequence of this would be, the workhouse would soon be full, and three-fifths of the inmates would be active and able-bodied persons. Mr. Nicholls had drawn up his report with great ability and intelligence. He was a man of great personal integrity, and the whole tenor of his life disproved the assertion that he had any interest in party politics. He must say, that, to have heard such a man accused of party feeling when repairing to Ireland on so difficult a subject, was to him a matter of surprise and astonishment. Mr. Nicholls said, in his report, that as they would, according to the system he recommended, be able to compel all to attend to their natural duties, they would then be enabled to take sufficient measures for the suppression of mendicancy. He thought that the principle on which they went was not sufficiently wide to establish these two propositions. It would be difficult to perceive the consequences which this would produce at first, for some few years, in the position of the poor. By establishing a system of poor-laws, they would do away with those charitable contributions by which the poor at present existed; and he must say, that the social system in Ireland should be much purified before that was done. If they were once to create an impression that, because a man paid poor-rates, he was no longer bound to exercise the principles of charity, much evil might ensue; and he also could not help feeling that such a course would be calculated to call into greater activity than it now was, the process of summary ejection on the part of landlords against their tenants. This measure went to state that the whole of the destitute poor would be provided with board and lodging in the workhouse; and would not that operate to increase, on the part of hard-hearted and oppressive landlords, the disposition to get rid of such of their tenants as might be in poverty, and

unable to pay their rents? This was a point well deserving of attention. It would be improper in him to give his assent to the present bill, without stating what he thought its practical operation would be; but if they asked him what other measure he would propose, to remedy the evils and check the abuses complained of, he should find it exceedingly difficult to answer such a question. He was well aware that it was more easy to relax than to bind; and, therefore, he was willing to admit, that if any attempt were to be made, the experiment should be, in the first instance, as rigid as possible. If it were wise to apply a system of poor-laws to Ireland, where poverty was so widely spread, and so large a portion of the inhabitants were in a state of destitution, he fully concurred that such a step should be taken with extreme caution, and this consideration it was that would induce him to support the present measure. He was of opinion that the proposed means would be too large; but still, as it would be easier to decrease than to extend them, he was disposed to agree, that the more rigidly they proceeded at first the better. He entertained some difficulty with respect to giving out-door relief; but, balancing his doubts on this head, he would yield to the present proposition, because he was aware that no system could be suggested which would be entirely free from objection. Thinking, that if the experiment of giving poor-laws to Ireland were to be made at all, it should be tried at once, he should forego his doubts, and support the motion for the second reading of this bill; and all he would add in conclusion, was, that he should gladly co-operate in remedying whatever defects might exist in the measure, and rendering it as perfect and as capable of working well as, under the circumstances, they could possibly hope to render it.

Bill read a second time.

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## CHURCH OF SCOTLAND.

MAY 5, 1837.

On the first order of the day being moved,—Sir William Rae moved a series of Resolutions, relating to the endowment of Churches in Scotland.

SIR ROBERT PEEL would be sorry to allow this subject to come to a conclusion without some member, unconnected with Scotland, taking part in the discussion. He should be particularly sorry if it should be inferred from such a circumstance that there was not as warm an interest felt for the welfare of Scotland, and for the spiritual concerns of its people, as for any part of the United Kingdom, among the members of that House who were not connected by birth with that country. In the few observations which he meant to make on this subject, he would confine himself to considerations of a public nature, and would not attempt to follow the example of the noble lord opposite. Supposing that in former administrations large sums of money had been voted for the purpose of carrying on a war which the noble lord might think unnecessary, but which the people of this country thought essential for the maintenance of the honour of the country, and for the protection of their vital interests—supposing the fact to be true, he would not say that they were therefore discharged from the necessity of attending to the spiritual wants of the country. The noble lord told the House that £140,000,000 had been expended in one year, he believed it was in 1815; and he believed also that it was necessary, to support the mighty contest that was brought to its final termination by the glorious battle of Waterloo. It seemed to him that the House of Commons had expressed its decided concurrence in the policy of maintaining that war; and, unless he was much mistaken, when the matter was brought to a vote the noble lord did not dissent from the address then agreed to. He thought that the noble lord might find, also, amongst his bosom colleagues, many of the most distinguished and cordial supporters of that policy. It now seemed that the noble lord was inclined to blame that war, which terminated, as he had already said, with the ever glorious battle of Waterloo. But the matter for present consideration was, whether there was conclusive proof in the evidence on the table, that the state of religious instruction in Scotland called for the interference of that House? The noble lord objected, he said, to a partial consideration of this question. He apprehended that, when the commission was appointed, the noble lord

himself recommended that they should make periodical reports for the purpose of taking them into separate consideration. They had now before them the report on the state of Edinburgh, and there was no reason why they should not apply themselves to the consideration, not of the general principle on which hereafter they might extend aid for religious purposes, but that they might take into consideration the state of the metropolis, and that they should, if they approved of the principle of such a grant, make one which would be sufficient for remedying the crying evils that existed there. The reason so large a portion of the population as 50,000 were in the habit of neglecting divine worship, was given in the report. The reason, or rather the principal reason, was stated to be this, and all parties concurred in thinking so, namely, the disposition of the people themselves. This partly arose from their extreme poverty, and partly from the circumstance that their attention had never been called to the subject of religion, and they were totally ignorant of the duties it imposed. Many of them, according to Dr. Lee, did not know the first truths of religion, a large portion of them was sunk in habitual debauchery and vice, and were insensible to all the feelings of religion and morality. This being the state of forty or fifty thousand persons, he asked the House whether or not they thought that the advantage of applying, to a limited extent, some legislative remedy to these evils did not far counterbalance any speculative objections that could be made to it. There were some documents published at Glasgow, which he considered to be of the utmost importance. They stated this very striking fact, with respect to the proportion that existed between the commission of crime and the habit of attending divine worship. He begged the attention of the House to the simple statement of this most material fact. The right hon. baronet referred to the document to show, that in several parishes in Glasgow the number of the people who possessed church accommodation was in the proportion of two, four, five, and eight in the hundred, and upon further inquiry it was stated, upon the authority of police magistrates, and of the governor and chaplain of the bridewell, that nearly all the criminals who were tried or imprisoned within the gaol came from these places. Where, on the contrary, the number which possessed church accommodation was in the proportion of fifty, sixty, seventy, or eighty to the whole population, the police had no duties to perform, and the bridewell received no inmates. If, therefore, he considered this question in a purely economical point of view, he thought that, by giving the means of religious instruction and attendance at divine worship, a saving might be effected in the expense of maintaining the peace, which would far outweigh any advance that they might be called upon to make. The hon. member for Falkirk asked what limits there were to be to this interference. Now, he thought they might establish very wise limits; he thought that his hon. friend proposed wise limits. The principle might be applied in the first instance to Edinburgh, and afterwards they might carry the principle to its full extent throughout the whole of Scotland. The principle he would propose was this, that if the people themselves provided edifices, if by their own voluntary subscription they provided churches, then the State was to be at the expense of the endowment. They would thus establish limits, and narrow limits, to the extent to which they could be called upon for parliamentary aid, and they would have this conclusive evidence of its necessity, that before they granted parliamentary aid there must be a voluntary subscription on the part of those who had the best means of acquiring local information, and who were most chiefly interested in the local welfare of the place. He would not say, that it should be necessarily limited to this extent, because he could conceive cases of moral destitution in places where there were no rich proprietors who could afford to subscribe a sufficient sum for the erection of a church, and in these some further assistance would be required. But if they established the principle, that parliamentary aid should only be granted as a permanent endowment where the chapels were raised by voluntary subscription, he did not believe that the sum they would be called upon to advance would be more than £20,000 a-year. When he compared the inestimable advantages that would arise from the greater spread of religious instruction in a moral point of view, and even in a pecuniary point of view, from the advance of this sum, he could not hesitate as to the course that he felt called upon to adopt. Some thirty or forty years ago Scotland exhibited a most beautiful example. The people were better educated, they had a juster sense of religion, there was less actual crime and more of religion,

speaking generally, than was to be found in any other part of the United Kingdom. He was afraid it could not be denied, that the character of Scotland had not maintained itself in this respect. It had increased in wealth, and in many of the elements of prosperity, but its people had not preserved that character of which they formerly exhibited so distinguished an example. He apprehended that the simple truth was, that the population had outgrown the means of instruction. Whilst the country was increasing in prosperity, and obtaining all the luxuries of life, the legislature had neglected to provide increased moral and religious instruction. A great influx of population had taken place into the towns, and in the towns they found at present the greatest instances of religious destitution, and the fewest means in proportion to the population of attending religious worship. He apprehended that the cause was easily to be ascertained. In towns, the shame of neglecting divine worship did not operate to the same extent as in the country. The landed proprietor, occupying a permanent position in his parish, had the chief interest in maintaining the moral character of the population; but these motives did not operate on the vast manufacturer, who resided in a large town, and who had not the same motive for attending to the religious education of the working classes, such as existed in the country parishes. He thought that the legislature ought to provide some means by which religious instruction should be provided for these persons. An objection had been made to legislative interference, which appeared to him to have no force. It was stated, that there must be always in the great towns a large population, who, in spite of every care, could not be brought to attend divine worship. Now this he conceived was the strongest argument that could be used in favour of legislative interference, inasmuch as it was their duty, where there were such persons, to attempt to reclaim them. It was these very classes, so deprived of moral and religious instruction, that brought discredit on the country, and endangered the peace of society. He admitted, that the mere building of churches would be of no avail. He admitted, that the providing free seats, and those too, of a respectable character, would do but little to remedy that irreligion which habitually existed; but Dr. Chalmers had not limited his plan to the mere extension of churches, he said, that at the time they extended church accommodation they must remove the barriers which prevented the people from availing themselves of the ministration of the gospel—they must add an impelling motive to induce these persons to attend divine worship. He therefore did not propose merely church extension, not merely endowments for those churches that had been already built, but they must circumscribe the exertions of the parochial ministers, they must give them a responsibility for the moral condition of the people under their charge, they must not compel them to confine their attention to their congregational flock, but they must give them a direct interest in the improvement of those who were attached to the church, and not only remove all barriers, but supply an impelling motive to their exertions. It appeared upon all sides that no such existed in Edinburgh. They need not commit themselves to the principle with respect to Glasgow, or any other place respecting which they had no evidence; but if they had a population of 50,000 persons in the metropolis who habitually neglected divine worship, and who had no means of religious instruction, was there any reason why they should not at once proceed to the consideration of that question, and supply those wants? If the principle were established, he should be glad of it. He would establish it to this extent, that where he found among the landed proprietors of Scotland so deep a conviction that evil had arisen from the want of church accommodation, that they were ready from their own means to raise a large sum of money for the construction of edifices, then he would say, let the State step in and provide endowments for these churches. The effect of this principle, carried to its full extent, would not cost the country much, but it would give a stimulus to subscriptions amongst all the inhabitants of Scotland. When the people were unable to raise a sufficient subscription, he contended that it was not only incumbent on the State, but its bounden duty, to provide endowments, and also to construct edifices for public worship. On these grounds he believed that the principle limited to that extent was advantageous. He believed that its benefits would far outweigh the speculative objections that might be made to it—that it was the interest of the dissenters as well as of members of the establishment—indeed, of all—that a moral and religious population should exist in Scotland—that it was their interest to see the ancient name of Scotland again con-



spicuous—and that that country should take the lead she was used to take among the nations of Europe. He should not only most cordially bear his share of the contributions which he should be called upon to make, not only should he not feel it a violation of conscience, but he should think it consistent with the soundest policy, consistent with the truest economy, and consistent with every thing calculated to promote the honour, the peace, and the welfare of the country.

The House divided on the original motion, to read the first order of the day : Ayes, 217 ; Noes, 176 ; Majority 41.

## POOR-LAW (IRELAND).

MAY 8, 1837.

On the question that the House do resolve itself into a Committee on the Poor-Laws,—

SIR ROBERT PEEL said, I am extremely sorry that a discussion, so mixed up with party feeling and party interest, should have taken place on the question of a poor-law. I greatly wish the hon. gentleman (Mr. O'Connell), however legitimate his question may be, had taken some other occasion for putting it ; for I feel that, if we once permit party feeling to mingle in the discussion of a poor-law for Ireland, it will greatly prejudice that discussion, and materially tend to discourage the hope of a satisfactory completion of a measure which, as it is, is looked upon with very considerable doubt and anxiety. As the noble lord has made distinct reference to me, I find it necessary, not adopting a different temper from that in which the noble lord spoke, to say something on this subject. I understand from the noble lord, that it is his intention to proceed with those measures which were indicated in his Majesty's speech from the throne, as affecting the internal peace and tranquillity of Ireland ; with the consideration, namely, of the Poor-law bill and the question of Irish tithes. I rejoice to hear that such is the noble lord's determination, and I regard it as a much more prudent decision than the one I understood him to indicate on Friday last, of a contrary description. The noble lord complains of the course taken by the House of Lords on the subject of the Irish Municipal Corporation bill. I am bound to say, that I think that the course of the House of Lords is perfectly consistent with justice and good sense. I can say this with perfect truth, because the noble lord will do me the justice to remember, that when this matter was first brought under the consideration of this House, I expressed an anxious wish that, before we came to a final decision on the corporation question, we ought first to consider the other two matters. I said this with an abstract view of the question, and without any reference whatever to the course the House of Lords might think proper to adopt. I thought it of the utmost importance, that before we pronounced our final opinion on the Irish corporation question, we should be in full possession of the intentions of government, and the probable course the House of Commons would be called upon to pursue in reference to Irish tithes, and Irish poor-laws. I think the hon. and learned member for Tipperary must admit, that it is perfectly consistent in the peers to find an intimate connection between questions of this kind ; for in the very speech which he has just delivered, he himself said, that he thought the questions of Irish poor-laws, and Irish tithe, so intimately connected together, that he protested against the consideration of the poor-laws, until the House was put in full possession of the ministerial measure respecting Irish tithes. " For," said the hon. and learned gentleman, " tithe, in many parts of Ireland, is in arrear for three years, and, at Christmas next, will be four years in arrear ; before you impose a new rate of any kind in Ireland for the relief of the poor, let me know what is the final settlement you propose to make, as to the tithes in that country." Now, if it be the view of the hon. and learned gentleman, that two out of these three questions are so intimately connected together, that he declines pronouncing an opinion on an Irish poor-rate until he has ascertained the feelings of government and of the House as to Irish tithe, how can he deny to other parties the exercise of that judgment which he not only claims for himself, but pronounces ? or how could he refuse them the right of thinking, that the three questions have that intimate connection with each other, which he himself

admits to exist between two of the three? If, therefore, I wanted any vindication of the reasonableness and justice of the course which has been pursued by the House of Lords, I find it in the distinct admission of the hon. and learned member. The hon. member for Middlesex seems to think that there is something in the course taken by the House of Lords which is disrespectful to the House of Commons. I beg to say, I myself have that feeling for the honour of a House, of which I have been so long a member, and by which I have been received with only too much of favour, I have that deep interest in its honour and character, that nothing could induce me to acquiesce in any course which I thought disrespectful to this House: but I beg the hon. member to call to mind, that it was distinctly intimated to the House of Lords, in the speech from the throne, that in the course of the present session, their attention would be drawn to "three measures intimately connected with the tranquillity and welfare of Ireland;" and that, on the invitation of the ministry, their lordships presented an address to the King, in which they expressed a hope that they might be able to make some arrangements conducive to the welfare and peace of Ireland, and pledging themselves to an early consideration of the three measures which were specified by ministers in the speech from the throne. If, therefore, the Lords concur with the Commons in the principle, that there is an intimate union between these questions, without any reference to the proceedings of the House of Commons, have not their lordships had authoritative and indisputable declarations made to them, that these three measures would be presented for their consideration, and if they think them so intimately connected, can anything be more natural or reasonable than that they should desire to postpone the consideration of one bill, until they know on what principle the others are founded? I before stated to the noble lord, and with perfect truth, that if the order of these measures had been reversed—if he had perfected the Poor-law bill, and settled the tithe question, I should then, on the discussion on the Corporation bill, have frankly stated the connected view which I took of all the measures; but as things have been arranged, the Municipal bill came in this House to its third reading, before any thing was known as to either of the other measures. The noble lord seemed to apprehend the possibility, that in the course now taken, some advantage is intended to be laid hold of this kind, that one bill will be passed into a law, and the other indefinitely postponed; for instance, that a Tithe bill, rendered satisfactory to the House of Lords, will be passed, and that then the Municipal bill will be thrown overboard. Now, this result would be altogether a matter of impossibility, unless this House were a consenting party; for, whatever the scheme of adjustment adopted by the House of Lord as satisfactory to them, this House is, of course, in no way called upon to accept it; and, therefore, the danger which the noble lord apprehends as possible, is altogether out of the question. I will not enter further into the consideration of these questions, being most unwilling that any thing of party asperity should connect itself with the discussion of a poor-law. I will merely repeat, that as reference was made to me by the noble lord, concerning the course of the House of Lords, I felt bound to express my entire acquiescence in that course; my conviction that it was perfectly consistent with justice and equity, to ask to see all these measures before it considered the details of one of them; my conviction, further, that had any other course been followed by the House of Lords, if they had at once proceeded to consider the details of the Corporation bill, such a course would not have facilitated an amicable settlement of the questions, but would, on the contrary, more probably have led to their indefinite postponement; and lastly, my conviction that, in the course so adopted, there could have been no intention to offer disrespect to the House of Commons. I believe that no such disrespect was intended; the proceedings of the House of Lords had no necessary reference to any inconsistent proceedings of the House of Commons; their lordships' themselves declared, in their answer to the speech from the throne, that they would give full consideration to each of the three measures that speech pointed out, in reference to Ireland; and feeling as they did, the intimate connection between the three subjects, it was impossible for them fully to consider the one, without being in possession of the principles on which the other two were founded.

The House then went into Committee.

## VOTE BY PROXY.

MAY 9, 1837.

On the order of the day being read for going into Committee on the Irish Poor-law Bill, Mr. T. Duncombe moved a Resolution, for the discontinuance of the system of Voting by Proxy.

SIR ROBERT PEEL stated, that when his noble friend rose to address the House, a similar train of thought had passed through his mind as had been so ably just urged by his noble friend. He trusted the House would not come to a vote on the present motion, until they were aware of the principle involved in the motion, and also considered how they would hereafter deal with this principle. In the bill which they would have to consider, he trusted immediately after the present motion was disposed of, he found the following expression:—"And he it enacted, that it shall be lawful for any rate-payer, from time to time, by writing under his hand, to appoint any person to vote as his proxy in respect of any property not in the actual occupation of such rate-payer, and any such appointment shall remain in force until revoked." The hon. gentleman had made an inquiry of one of the members of the Tower Hamlets. He doubted not that hon. gentleman would have agreed with him had he been present; but, as both the members for that borough were absent, he had no doubt but that they had paired off. He agreed in what had been said by his noble friend as to the custom of members pairing, and he thought while his noble friend was speaking, that he would endeavour to draw up some resolutions as to their own practices, which should be passed before they tried their apprentice hands on another assembly. His resolutions were to this effect: - First, "Resolved, that the practice of letting members of any deliberative legislative assembly vote, without having heard all the arguments on both sides of the question, was incompatible with every principle of justice." His second resolution was this,—"Resolved, that the absence of members by pairing for several hours for the purpose of refreshment, and for several weeks at a time from the question under discussion, without hearing the arguments which arose on such questions, was becoming a source of well-founded complaint among all classes of the community." He would ask the hon. member opposite, whether it was not clear that they should attack the evil in their own House before what might be good elsewhere? He agreed with one suggestion that had been thrown out on the opposite side, namely, that they should begin at home. They could not speak to the House of Lords on this subject before they reformed themselves on a practice which, they had the high authority of the hon. gentleman for saying it, was bringing them into contempt. But supposing that the amendment of the hon. member for Finsbury was carried, and was ordered to be sent up to another place—supposing, also, that an amicable conference took place, what should prevent the other House presenting them in return with a counter resolution? The hon. gentleman proposed that this resolution should be presented to the Lords. He (Sir R. Peel) would propose that after passing the resolution he had read, as to not hearing arguments, and to the practice of pairing, the following resolution should be adopted:—"Resolved, thirdly, that the hon. member for Mary-le-bone be requested to bring in a bill founded on the previous resolutions." He would do this, because the hon. gentleman stated last night, that he was a metropolitan member, and that he was convinced that the question before the House was regarded by the country as one of vital importance, and in comparison with which the Reform Bill was nothing. He said, that he was only prepared with a crude speech, but feeling the vital interest of this question he felt bound to speak; but he concluded with stating, that he had paired-off till ten o'clock. He stated, with a degree of kindness and candour that could not be surpassed, that he thought it was too much for the House to come to a decision on this important question during the hour devoted to taking refreshment. He observed that he had paired-off from seven to ten, and he earnestly entreated the House not to conclude the debate till ten o'clock. Seeing, however, the indisposition of the House to pause till ten o'clock, that his constituents might not think that he was absent, he had thought it is duty to make this crude and undigested speech to show the reason why he was elsewhere. Before they proceeded to discuss the clauses of the bill which

took away the right of proxy from the other branch of the legislature, ought they not to consider what took place last night when one of the metropolitan colleagues of the hon. gentlemen said, that he had paired-off till ten o'clock, but had spoken to shew that he was present? What figure would they make before the House of Lords in presenting the resolution of the hon. gentleman if this matter should become known? Therefore he would give this advice—namely, that they should not proceed with the resolution, but get rid of it by allowing the House to go into committee on the Irish Poor-law bill. It was not prudent to attempt to take away any of the privileges of a co-equal and independent branch of the legislature; they should take the beam out of their own eye, before they attempted to take the mote out of another's.

The House divided on the original motion :—Ayes, 129; Noes, 81; majority 48.

The House then went into committee.

## CHURCH-RATES.

MAY 23, 1837.

Mr. Bernal brought up the Report of the Committee on the Church-Rates regulation. On the motion that the resolutions be read a second time—

SIR ROBERT PEEL said, that one of the inconveniences which attended protracted debates was, that so many topics were touched upon in the course of every speech addressed to the House, which had no immediate reference to the subject-matter of debate, that the attention of the House was diverted from those main considerations by which its decisions should be influenced. It was five-and-thirty minutes from the time the right hon. gentleman opposite commenced his speech, before he applied himself in any respect whatever to the subject before the House. Five-and-thirty minutes were expended in graceful preludings, before they heard the burden of the right hon. gentleman's song. He promised the House that he would not occupy so much time in the main discussion of his argument against the measure; and he said this, because he had a different object in view from the right hon. gentleman, who was too skilful not to know that it was better to allude to any thing than the matter before the House. The true policy of the case was, that the attention of the House should not be directed to extraneous topics, which could not influence any rational men in forming an opinion on this subject. The question they were called upon to decide on that occasion was, whether, in that, the richest and most prosperous country visited by the light of heaven—and finding that there existed for ages a direct contribution for the maintenance of the fabrics of the Church Establishment—they would abolish such payment of Church-rates? For time out of mind, all property in the country had been liable to a contribution for this purpose; but for the last 300 or 400 years, the landed proprietors had been more particularly called upon to keep up the fabrics of the national church. Most of this property was in the possession of those in connection with the church, and the proprietors of those estates, who had the greater portion of the amount to pay, did not wish to be relieved from this burthen. They were now told, that an equivalent could be found for this impost in the property of the church itself, and this on the single pretext, that it would relieve the conscientious scruples of certain persons who dissented from the church. This was the subject-matter of the proposition before the House. The right hon. gentleman, and the rest of his Majesty's ministers, said they had found an equivalent for Church-rates. True it was, that the fabrics of the church must be maintained, and all the members of the government, until within the last six months, said, that if these rates were abolished, an equivalent must be provided by the state. The new proposition was, that the landed proprietors, nine-tenths of whom had no conscientious scruples as to the payment of Church-rates, should have their estates—which had ever been liable to the charge of these rates, and in consequence of the existence of which, every owner, be he Dissenter or Churchman, made a proportionate reduction in the price when he purchased it—relieved from the burthen, and that an equivalent should be taken from the funds of the church to provide for these matters, now charged on the Church-rates. Would any one deny, that this was the principle of the proposition of the right hon. gentleman? The right hon.

gentleman must know what were the opinions of impartial men on his proposition. He knew the censure that was passed on the Irish parliament for abolishing the tithe of agistment. He must have heard the condemnation of the lay legislators, who robbed the church to increase the value of their own property. What did they propose to do in this instance? Did any one deny that the land was subject to this charge; and was it not proposed to relieve the landowners from the payment, and throw it on the church? And was the church rich enough to afford it? He would answer that question by referring to an authority which they could not deny. The whole of the speech of the hon. and learned member for Liskeard, delivered this night, tended to show that the church was overburthened with wealth—that it had ample funds for the extension of religious instruction, and the abolition of Church-rates too; but the Report of the Church Commissioners, which five of the members of his Majesty's government had signed, stated that such was the destitution of the means of religious worship, that the church possessed no funds which would afford an adequate supply. They described in that report the case of the metropolis, and of the great manufacturing towns; they admitted that the population had outgrown the means of religious worship; they admitted the inadequacy of the present funds to make the necessary provision; they contemplated a fund which might supply the deficiency, and the ministers now proposed to divert that from its legitimate course, and apply it to defray those expenses which the property of the wealthy landed proprietors had hitherto defrayed. They urged, in speeches and in pamphlets, that though it was true the liability existed, yet there were no means of enforcing it. Would that excuse avail them? His right hon. friend had referred to the Report of the Ecclesiastical Commissioners, which stated the law on that subject in these words:—"It is the duty of churchwardens to take care that the body of the church is duly repaired, and that all things necessary for the decent performance of divine service are provided. And the law imposes on all parishioners the burthen of raising, by Church-rates, the funds required to pay the expenses. To this extent the authorities concur." That report was signed by Lord Tenterden, Dr. Lushington, the Judge-Advocate, by, in short, all the most eminent legal authorities of the day; and it established this principle, that there was a legal obligation on landed property, to contribute to the maintenance of the fabric of the church. Did that obligation exist on their estates when they purchased them? Or did the vendor say it was true the legal obligation existed, and the right could be enforced only by a difficult process in the Ecclesiastical Court? If he had so stated, would not their answer have been—"Dr. Lushington told them, that the legal obligation existed, and they would not be so shabby as to look out for a mode of evading it, because the process of the Ecclesiastical Court was dilatory and embarrassing?" They would have insisted on the full payment of what was due to the church; and if the Church-rates amounted to the sum of £25, the value of twenty-five years' purchase would have been deducted from the amount of the purchase-money. Then, said the right hon. gentleman, there was the case of Ireland as a precedent. He maintained that that offered no inducement. So far from the case of Ireland being an inducement, he would say it afforded one of the most powerful grounds for exhorting them to avoid it. What was the consequence of acceding to their proposition? When it was made, they were told that the case constituted an exception to the general rule. They admitted, as the right hon. gentleman now admitted, that the Church of England and the Church of Ireland were united by law, and constituted one church; but he (the Chancellor of the Exchequer) and his hon. colleagues were parties to a declaration made by the King, that the circumstances of Ireland were peculiar, and that they called for separate legislation. They said, that the Church of Ireland had greater resources than it required for the spiritual instruction of the people, and that there existed in that case that peculiarity which they now relied on, as a reason for asking for the acquiescence of the House in the present proposition. They urged, that in Ireland the vestry was an exclusive one, consisting solely of Protestants, and that was relied on as a reason for making Ireland an exception. They were told then, that the vestries in Ireland were differently constituted from the vestries in England—that the grievance was felt to be greater, because they were composed exclusively of members of the Established Church—because the Roman Catholics were altogether excluded. They were told, that here the Dissenters were

not excluded ; here they had a voice in the granting of Church-rates ; but in Ireland, the peculiarity of the grievance was, that the vestries were composed exclusively of Churchmen. The very same party by whom that argument was used now turned round, and relied on that which was granted us, because of the peculiarity, as a reason why the principle should *a fortiori* be extended to this country. If they granted this measure, what security had they that five years hence they would not be told, that they had recognized a principle fatal to the existence of the establishment, when they gave up the church to be maintained out of its own revenues—that tithes were public property, and though, unlike Church-rates, they were a burthen borne by the occupier of the soil, the payment of them was disagreeable to him who dissented from the establishment? What security had they that his Majesty's ministers would not hereafter use that very argument which was now used by only a portion of the Dissenters themselves—that they would not urge the objection which had been made to Church-rates, and contend, that with the Church-rates had been abandoned the principles of a Church Establishment? A word now with respect to the conscientious scruples of the Dissenters. He was called on to make this change, on the ground of giving relief to those conscientious scruples. A broad and intelligible ground was the ground on which they ought to argue this proposition, but such was not the ground on which they did argue it. First, they proposed to retain the existing debts. They drew a distinction between the collection of Church-rates for the maintenance of the church, and the collection of Church-rates for the payment of a debt to be hereafter granted by an assessment in vestry. There might be good reasons for keeping to that arrangement ; but, so far as the relief of conscientious scruples was concerned, there was just as great a violation of conscientious scruples in calling on the Dissenters to pay Church-rates for the liquidation of a debt, as for the future consecration of the church. The right hon. gentleman, however, attempted to draw a distinction, and said he felt assured that no Dissenter would ask to be relieved from the payment of a debt. Why, if a Dissenter had a right to object to contribute to a rate for the support of a form of worship from which he dissented, he had just as much right to refuse the payment of a rate for the liquidation of a debt incurred for the support of that form of worship. He might say, that it was contracted by a majority, he having been a reluctant part of a reluctant minority. He might have resisted the imposition of the rate, and the incurring of the debt, and yet the right hon. gentleman admitted, that where the debt existed, the Dissenter should be called on to pay it. Surely, the calling on the Dissenters to pay for the liquidation of the debt, showed that they did not proceed on the broad ground of granting relief to conscientious scruples. Again, if they did maintain that principle, what would they do with the Dissenters in Scotland? They had never answered that question. In Scotland, they imposed on him who dissented from the Established Church the duty of maintaining the establishment. The land-owners had inherited, or had bought their property subject to that charge. And if some great landed proprietor, having so inherited his property, and being a member of the Established Church in England, were now to declare that he felt a conscientious scruple against contributing to the relief of the Establishment in Scotland, he would venture to say, that if they did not fear the retaliation of the argument, they would denounce it as a most dishonest proposition. But if they admitted the conscientious scruple—if they admitted the principle, that those who dissented from the Established Church ought not to be called on to contribute towards its support, he asked again, what did they intend to do with regard to Scotland? They had no scruples there ; but, if they had, he apprehended that they would find no bishops' lands to lay hold of there—there was no commission they could establish there for the purpose of administering ecclesiastical property. In that country there was no superabundant resources possessed by the church out of which they would be enabled to provide for the repair of its fabrics. Either, therefore, they must make the Dissenters from the Established Church still liable to contribute to the repair of the church, or they must provide from the public funds an equivalent. He had another reason for concluding that they did not mean to maintain the principle of observing conscientious scruples. When the case of destitution, as regarded the means of religious worship, was stated in a former debate, the noble lord, the Secretary of War, admitted the strength of the case made out of the want of religious education,

and said, that it might be the duty of his Majesty's government to come forward with a proposition to provide out of the public funds additional church accommodation. If they took that course, they would thereby negative the claim of the Dissenters to relief on the ground of conscientious scruples; for a conscientious scruple would be more violated by a new proposal to give increased accommodation, than by continuing an impost which had been levied on property for centuries. Government might have a right to say to the Dissenters, "Your property is subject to this burthen, and we will continue it; but it would be much more unsatisfactory to that body of the population, when an ancient fund existed, to propose any new grant for the same purpose." It would be infinitely better, then, on their own showing, to apply the fund already existing to the object contemplated, than to reverse the order of proceeding, to set about finding an equivalent for the church revenues, and to provide increased accommodation to its members out of the public taxes. The Chancellor of the Exchequer had said, that he argued that landed property was subject to this charge, whether acquired by inheritance or purchase, and yet that he had professed his readiness to relieve it by acquiescing in the proposal of Lord Althorp. Now, he contended, that the advantage of making landed property contribute to the maintenance of the fabrics of the establishment was the formation of a connection between the holders of that property and the national church. The support of an Established Church, it must be admitted, was implied when the state, either by a contribution levied from the landowners, or by a vote from the public funds, provided for the maintenance of its fabrics. Certainly he should, to some extent, relieve the land by acquiescing in the proposition of Lord Althorp, but in a very different degree to that in which he should relieve it, by taking the equivalent sum from the property of the church; because the landed property would contribute a very material part of the amount which might be granted from the public taxes. The landed property of England would contribute no small share of the £250,000 or £300,000, which Lord Althorp proposed to grant instead of the produce of the present Church-rates; but to deprive the church of that produce would be a simple and unrequited removal of the burthen without providing any substitute. His chief objection, however, to that course was, that it dissolved the existing connection between the Church and the State. He would throw aside all consideration of the mere sum of which it was proposed to despoil the church, and look only to the principles which such a proceeding would establish. Government proposed to make the bishops annuitants on a commission appointed by the state, the majority of which were to be laymen, removable at the pleasure of the Crown; and the heads of the church, instead of being proprietors, were to receive a fixed stipend, payable every quarter. How, then, could they tell him that they did not alter the condition of the episcopal order, when, instead of possessing a settled property, that property was to be removed from them? They might point to Ireland, and tell him that he had already consented to the enactment of a similar measure in that country. He would quote in return their repeated assurances, when they invited him to agree to the passing of that measure in Ireland, that it was a peculiar case, which did not necessarily establish such a rule in this country. The right hon. gentleman, the Chancellor of the Exchequer, had been satiating his curiosity by a perusal of *Hansard's Debates*, following the example of the hon. member for Tipperary, who had come down to the House the night before, loaded with the fruits of a ten years' search through its pages. Never had he been more alarmed than by the preliminary movements of the hon. and learned gentleman, the moment the hon. baronet near him (Sir F. Burdett) had risen on that side of the House. The learned gentleman came down, absolutely tottering under the weight of *Hansard*, armed with a formidable collection of instruments from that arsenal, having picked out his vulnerable points from the debates of the last ten years, ascending from 1824 to 1835, and attacked the hon. baronet with the seeming determination of making him a victim to his prowess. He was reminded of the revolutionists, according to Burke, sharpening their deadly weapons on the carcass of the Duke of Bedford, and coolly examining "how he bellows on the caul and on the kidneys." He thought the hon. baronet was to have been made the victim of the most scorching display of sarcastic eloquence ever made since that devoted peer had fallen prostrate, as the *bos humi*, before the withering scorn of the great orator. But he rejoiced to be able to congratulate the hon.

baronet on his escape. He rejoiced to say that the pillars of that noble edifice, to which the hon. and learned gentleman had offered his tribute of reverential homage, while he asserted that in its cornices birds of evil omen had made their lurking-place, remained unshaken, after all the puny efforts of the hon. gentleman's pickaxe and shovel. But the right hon. gentleman, the Chancellor of the Exchequer, was not satisfied with *Hunsard*, he had resorted to the still more lugubrious reading of Acts of Parliament, and of private acts too; for it appeared that he had exhausted all the public acts in search of a precedent for the violation of Church property. The right hon. gentleman, it appeared, had succeeded in finding a private act which answered his purpose, that private act having in it numerous blanks which were left in it by the intelligence of the clerk, the right hon. gentleman admitting that it might have been intended that it should be amended when occasion required. Yet this was the only ground on which the right hon. gentleman vindicated the dispossessing the bishops of their property. He knew of similar omissions, which had occasioned fatal defects in titles to railway property. He knew a case in which, because the chairman of the committee had made a perpendicular mark through the figure 3, instead of a horizontal one, the Act of Parliament had limited the right of the company to their approaches to two years instead of three. He had also heard of an act, in which the penalty appointed was imprisonment, one half to be given to the informer, the other to the King. Unless the House wanted to establish the precedent of interference with landed estates, they must reject the argument of the right hon. and learned gentleman, who urged, that because the clerks had made a verbal error or omission, parliament should dispossess the bishops of their landed property. Another reason which might induce him to assent to the proposal of Lord Althorp was, that the substitution of a direct impost for the present Church-rates would so far operate as an equivalent, that it would establish the principle of a connection between the Church and the State. It would accomplish that, which Lord Althorp had declared in that House that it was the duty of the State to do, when on the 21st of April, 1834, he said, "The principal argument used this evening is, that no contribution ought to be made by the State out of the public funds, for the purpose of maintaining the fabrics of the Church. I entirely agree with the right hon. gentleman (Mr. C. Wynn), that it is the absolute duty of the State to provide the means of public religious instruction for the poorer classes of the community." The noble lord (said Sir R. Peel), who is just now taking a note, can tell the House if the present measure is calculated to retard or to advance that most sacred and important of all the objects of government. Why, when ministers made their proposition of 1834, they had this Irish precedent then before them. If they thought this Irish precedent of 1833 so indispensable, why, in 1834, had they proposed that the equivalent for the abolition of Church-rates should be derived from the public funds? The right hon. gentleman complained that an outcry should be raised against ministers, as being enemies of the Church, because they were enemies of Church-rates. With the motives and intentions of ministers he had nothing to do; if they professed friendship, he was bound to believe they felt what they professed; but their acts he had a right to consider. And this he would venture to say, that if, on any question affecting the interests of Dissenters, ministers had had a majority of 116, they would have considered that majority to be decisive in their favour. Ministers had a majority of 116 in favour of Lord Althorp's proposition, which they introduced with the Irish precedent before them. Perhaps ministers might say, "We never anticipated this extraordinary discovery of a new fund, for which the hon. member for Weymouth has given us such great credit." The hon. member for Weymouth declared, that his obligations to the right hon. gentleman on this account were extreme, though he was going to vote against him, and that he never could have thought it possible that this divine man could have discovered the fund. Did it never occur to the hon. gentleman, that they had dealt with the bishops lands in somewhat the same way in Ireland? Did the hon. gentleman suppose Lord Althorp did not know that the bishops had lands in England, and that, if he chose to dispossess them of their property and to run the term of tenure against the life of the lessee, something might be made of it? Lord Althorp, he believed, knew that; yet he never thought of applying such a plan as the present to Ireland. Ministers dealt with the estates of the Irish bishops in



a manner not quite so harsh and hostile as that in which they now proposed to deal with those of the English bishops, because they had left them in possession and management of the episcopal order; but they now distinctly proposed to abolish Church-rates, and to provide an equivalent for them from the Church lands. Formerly, ministers maintained that it was an essential element in the constitution of the Established Church, that the State should contribute to the repair of its fabric; and though they announced their intention to abolish Church-rates, they never led the House to believe that they would lay the burthen of the equivalent on the revenues of the Church. Up to a late period, therefore, their opinion must have been clearly in favour of Lord Althorp's proposition. They had but the other day asserted the principle, that the Church must have a contribution from the State to preserve its edifices, and that the fund should not be taken from its own property; and now they turned round and charged those who sat on the opposition side of the House, with delusive apprehensions for the safety of the Church, when they adhered to the principles on which ministers had all along acted, and quoted the doctrines which they propounded. The hon. and learned member for Tipperary had asked, what had passed since 1834, to excite such unfounded fears in the mind of the hon. baronet near him (Sir F. Burdett)? What better answer could he give to the hon. and learned gentleman's question, than that the administration was now proposing measures directly contrary to those which they had lately brought forward, abjuring the principles they held in 1834, and which they then told the House were essential to the existence of the Establishment? In 1834, the case of religious destitution was not fully made out; ministers had not yet affixed their signatures to a report declaring that there were no funds at the disposal of the Church for providing increased accommodation, and that the necessity for it was so crying as to demand an immediate remedy; yet they now proposed to take from the Church, property which they then consented to allow her to retain—property which formed the only means she possessed of supplying existing deficiencies, and to apply it to the relief of the land. The right hon. gentleman, the Chancellor of the Exchequer, might disclaim it as loudly as he pleased; but ministers were allied for the passing of this measure with those whose designs were hostile to the principle of an Establishment. The hon. member for Middlesex manfully stated his opinion on the subject in 1830. That hon. member then combated the principle of supplying an equivalent for Church-rates from the public funds; he left ministers no means of blinking or evading the question, for he rested his objections to the measure on the ground, that he was not then satisfied that an equivalent could not be provided from the ecclesiastical property. What was the answer of the noble lord opposite? The noble lord declared that he adhered to the principles laid down by Lord Althorp, and repudiated the doctrine of the hon. member for Middlesex. The noble lord said this: "He and his colleagues had, of course, little reason to expect the support, on this occasion, of the hon. member for Middlesex, and others whose object was to destroy; but they did hope to have the support of those who, with themselves, wished to see the Church maintained, at the same time that they entertained a desire to see its abuses reformed, and all the practical grievances of the dissenters redressed." The proposition now made by the noble lord was directly at variance with that which the noble lord then invited the friends of the Church to entertain. It was identical in principle with that which the hon. member for Middlesex proposed, and for which the noble lord denounced him as a destroyer of the church. Now, without inquiring as to the extent of the conformity or inconsistency of the present ministerial policy with the past, or as to the adoption by them of other people's opinions, the noble lord would allow him to observe, that if in 1834 the noble lord, with the precedent of the bishop's lands in Ireland before him, denounced a proposition similar to that which he now brought forward as having a tendency to destroy the Church, the noble lord could not be surprised if the opposition occupied the ground which he held in 1834, but which he now abandoned, to ally himself with a destroyer. One word, and he came to the concluding observation which he should make. The hon. member for Weymouth had asked, what vote he meant to give on the proposition brought forward by the hon. member for St. Andrew's? The hon. gentleman had no doubt been forced to put the question by his strong apprehension that the government would sustain a defeat, and the circumstance of their agreement in the vote which they

should give, might render it advisable to put the hon. gentleman in possession of the views with which he should record it. It was also right, as there were so many new members in the House, all fortunately sitting on his side, that he should take the liberty of setting before them, in a form divested of all technicality, the mode of acting which he should adopt. Unfortunately, they should not be enabled to give, at first, a direct vote upon this question; he deeply regretted it, for he wished to negative the proposition of government on its own grounds. He did not, therefore, mean to imply any predilection for the present system of Church-rates, or the least reluctance to support a proposition similar to that made by Lord Althorp, or to consider any mode by which the admitted objections to the present system could be obviated; but he felt an objection to the proposition of the right hon. gentleman, who would divest the bishops of all concern in their own lands, and find an equivalent for Church-rates in the ecclesiastical revenues. The hon. member for St Andrew's, in a speech which exhibited equal good temper and ability, and which did him great credit, proposed, as an amendment, that they should leave out all the words after "that" for the purpose of inserting these words: "It is the opinion of this House, that funds may be derived from an improved mode of management of church-lands, and that these funds should be applied to religious instruction within the Established Church, when the same may be found deficient, in proportion to the existing population." The hon. member for Weymouth told him that he was bound to vote for that amendment. The right hon. gentleman, the Chancellor of the Exchequer, said, it was impossible he could vote for it. It was not necessary, in point of form, that he should explain what course he meant to take when the question was put from the chair; but he should be sorry on any occasion to leave his intentions equivocal, or subject to doubt, when he had the opportunity of fairly stating them. He, then, would fairly say what course he intended to pursue. He could not vote for the hon. gentleman's amended resolution; and, on this ground, the hon. gentleman expressed it as the opinion of the House, that funds might be derived from an improved management of the church-lands, and that those funds should be applied to the religious instruction of members of the Established Church. In the first place, he had a great objection to vote for abstract propositions on any subject, unless they were to be the foundation of a measure. The resolution of the government was to be followed up by a practical measure; but the hon. gentleman had proposed an abstract proposition, without stating what his intentions were, if it were adopted. He, for one, then, would not consent to affirm an abstract proposition, unless it were to be followed up by a practical measure. But he thought that great doubt might arise, if the proposition of the right hon. gentleman were permitted to pass unexplained; and, besides, it might be inferred that funds might be derived from this source by the appointment of commissioners. He objected to the appointment of commissioners—he objected to the doing of that which might divest the bishops of all interest in the lands. He was opposed then to that proposition; and, again, as to the interests of the lessees, he was not prepared to establish a proposition which might affect the interests of those persons without being in full possession of the subject, and exactly understanding how far the proposition was to go. He knew that the lessees were not in possession of a legal right; but then they had a very long tenure of the property; besides, too, it was to be considered that the commonwealth had failed in attacking this property—that it was regarded and treated as property which could not be disturbed nor tampered with. Knowing this, he would not consent from that property to give an increase to the funds of the church without very mature consideration, and the closest regard to the circumstances in individual cases, in order that he might, in attempting to improve those funds in the manner that was proposed, do so consistently with perfect equity. That it was possible to introduce such an improvement as that which had been suggested, he did not deny. He believed that it was possible, consistently with the independent character of the bishops, which ought to be maintained, and of the interest of the lessee, which ought not to be injured. And he at once admitted, that if, consistently with principle, consistently with a liberal construction and an equitable consideration of the rights and interests of the lessees, he could improve the Church property, then he was ready to maintain that the surplus ought to be applied to the purposes to which the hon. gentleman intended to appropriate them. He was content with the arrangement of last year as to the emoluments of the bishops; and if

he thought that an improvement in the tenure of the property under them could be increased, consistently with their station and their character, and with justice to the lessees, then he should give to the hon. gentleman his most cordial support in devoting the surplus to the great object to which he sought to apply it. And he hoped that the hon. gentleman would understand the grounds upon which he, at that moment, hesitated to vote in support of his proposition: first, because he regarded it as the proposition of an abstract measure; and, secondly, that he feared that the hon. gentleman assumed a mode for raising an extra revenue which was identified with that of the government. But, if they could realise a surplus, then he should say, that with his consent the funds ought to be applied to giving church accommodation; and if they could do so, then, he said, let them be appropriated exclusively for the benefit of the poorer classes. He was pleased with the origin of the proposition which they had been discussing. So far from joining in the sarcasm directed against the hon. gentleman, that this resolution relating to the Church of England was made by a Secoto-Calvinistic member, he cordially rejoiced that the community of interests between the established churches of the empire was demonstrated by the proposal. The time had passed when narrow jealousies between the two establishments could be permitted to exist; their cause was the same, and for the protection of that cause, they ought cordially to unite. The question at issue between many was this—whether establishments were to be abolished, or whether they were to trust to the voluntary principle for the due and proper maintenance of religion? That was the question directly involved in the proposition before the House; it was so considered by the hon. gentleman opposite—it was so considered by many dissenters; and the main ground of discussion was, not the sum that was to be dealt with, but the principle that was involved. It was against that principle that he and his friends declared themselves—it was in favour of the Establishment, not for the miserable purpose of maintaining its emoluments for individual interests, that it was intended by them to give the plan their strenuous opposition. It was because they believed that the maintenance of the Established Church was so interwoven with the civil institutions of this country, that to preserve it was necessary for the purposes of social concord and internal peace; and also, because they believed it to be necessary for the infinitely higher purpose of protecting religion from the assaults of infidelity or of lukewarm indifference, and providing, as the hon. gentleman had said, for that which was the inalienable right of every member of the community—the means of deriving spiritual instruction and religious consolation from an Established Church, founded in our civil policy, preserved by the State, and deserving of respect from the people.

After a long discussion, the resolutions were carried by a majority of 7.

## PUBLICATION OF PRIVILEGED PAPERS.

MAY 30. 1837.

Viscount Howick moved the adoption of certain Resolutions, founded on the Report of the Committee on the publication of printed papers. The Committee had been appointed to take into consideration the proceedings, at *Nisi Prius*, in the case of *Stockdale v Hansard* and others, and, since the presentation of the Report of that Committee, a second action had been brought by the same parties in the Court of King's Bench; in order to set the matter at rest, the noble lord called on the House to affirm the Resolutions.

SIR ROBERT PEEL said, that he should be sorry to come to a decision without shortly expressing the ground on which he should vote in favour of the resolutions proposed by his Majesty's ministers. The first impression of every man, and particularly of those who had not paid much attention to this subject, would unquestionably be adverse to the principle upon which the report of the committee was founded; for it must appear manifestly unjust that any public authority should have the power of authorising the publication and the sale of libels upon the characters of individuals. At the same time, however, he was convinced, that upon mature reflection, those who had given way to this first impression, would ultimately acquiesce in the absolute necessity, if the House of Commons were to continue in the discharge of its constitu-

tional powers, of maintaining this privilege of publication, and in maintaining for itself the exclusive right of judging of the extent and nature of that privilege. Was it, he would ask, the duty of the House of Commons to institute free inquiries into alleged abuses of public trusts? If that were its duty, if it were one of the public functions of the House to institute those inquiries, what was the limit which was to be placed, or the discretion to be exercised, in conducting those inquiries? Was it not manifest, if the House did not possess a free and unfettered power of compelling the appearance of witnesses, and of instituting a free and unfettered inquiry, that their privilege, or their duty rather, as the grand inquest of the nation, must be at once paralysed? But, if the House of Commons possessed the power of compelling the attendance of witnesses, and of compelling those witnesses to make a disclosure of the truth, ought they not, having so done, and having given publicity to such evidence, to protect those witnesses from the consequences of that disclosure? And as to the publication of the evidence, might not that publication be essential in order to satisfy the public mind with respect to the grounds of their legislation, and to make the constituency of the country aware of the principles upon which their representatives acted? He would say, therefore, that from the dictates of reason, and from what common sense suggested, the House of Commons ought to have the power, subject to no extrinsic control, of exercising their inquiries freely, without being exposed to any legal results. But it was not upon reason and common sense alone that he founded this principle—he founded it upon the uniform practice of parliament. There was a series of cases showing that for the last 120 years parliament had been in the practice of instituting these inquiries. It had instituted inquiries with respect to allegations of abuses in the East Indies; with respect to allegations of abuses in the election of members of parliament; with respect to allegations of abuses as to the slave trade in the West Indies; and as to the management of the cotton manufactories in this country. The question, then, briefly was, whether the House were to continue in possession of the power of instituting inquiries into alleged abuses or not? If they were to inquire, then did it not of necessity follow that they must have the power to summon and examine witnesses? If, indeed, they were private individuals, they would have no right to publish the truth to which those witnesses might bear testimony; but neither would they have the right to make the inquiries. It was because, as a public body, they had authority to make these inquiries, and to submit the result to the public, that they were to be privileged. This privilege, it would appear, had been exercised for 120 or 130 years, and during that time Mr. Warren Hastings had been attacked, and many other persons of the highest eminence had been attacked, by its exercise, or he ought rather to say, would have been attacked, if the inquiries respecting them had been instituted by an unauthorized body, or by individuals. Up to the present time, however, it had been the doctrine, that parliament had the right to institute inquiries of this nature. But on an allegation being made by a report of a committee, that a Mr. Stockdale had published an obscene pamphlet, an action was brought against an officer of the House of Commons for that publication. What said the authorities? He would take the authority of Lord Tenterden, who stated, that he doubted whether there existed the privilege to sell a libel. Lord Denman said, that if this publication had been written or printed merely for the use of the members of the House, it would have been a different thing. They had, then, this admission, that there was little doubt of the authority of Parliament to institute these inquiries, and that there was also little doubt of their right to print for the use of their own members a fair statement of that which was disclosed. Now, he would ask for no further concession in favour of the principle for which he was contending, which was, that the House had the power of protecting parties from the consequences of giving evidence, which the House had compelled them to give. The only remaining question was, whether there was a legal distinction between printing for the use of members and the subsequent sale. He imagined that there was not; and if so, the doctrine that the sale of publications printed for the members, subjected the officers who printed them to question by the Court of King's Bench, must be abandoned. Had a man a right to give away a libel? He who circulated a libel merely for a mischievous purpose, was equally liable to legal question as the individual who sold it for profit. In the eye of the law there was no distinction between publication and sale. But if this were so, how hap-

pened it that a different view would have been taken of this case if the publication had been only for the use of the members? Let them look at the absurd consequence which would result from the adoption of such a principle. It had been the practice, before that of sale commenced, to print more documents than were required for circulation among the members, and to distribute them freely; but if the principle which had been laid down could be sustained, should the Speaker give a single copy he would be subject to prosecution. Though members were entitled to their copies, if, having obtained them, they lent them, or if they ceased to be members, were they to be subject to legal question? Suppose a member went to his constituents, and referred to the documents which as a member he was entitled to use—suppose, in explaining his conduct to his constituents, he found it necessary to advert to some statement in the documents, and that such statement threw severe aspersions on certain proprietors in the West Indies, was he not to be permitted to state the details of those transactions by which his conduct had been determined? Then, would the newspaper that published a report of his speech be liable? He referred to these things merely to show the absurdity of the distinction between publications for the use of members, and the subsequent sale.\* It was impossible to maintain such a distinction. If they admitted the right to publish for the use of members, and the right of the member to publish, in vindication to his constituents of the course he had pursued, then they must allow that there was no legal distinction of such a nature as that which he had described. If it could be shown that this privilege were necessary for the protection of the functions of members, and that for a long series of years there were precedents for the sale of the papers, he could not conceive on what grounds they could refuse to assert their privilege, because now for the first time it was questioned by Mr. Stockdale. A committee which sat on this case would not even be able to make a report without being liable to question, for they thought it necessary, to enable the House and the country to judge of the matter at issue, to print a copy of the declaration filed in the King's Bench on the 7th of November, 1836, and in the course of that document it was stated that John Joseph Stockdale had published a book of a most disgusting nature, and indecent in the extreme. If the King's Bench could interfere in this way with the privileges of the House, it might as well at once close its doors as a court of inquiry. The hon. member for Ripon had suggested, that the better course might be to trust to a declaratory bill. The objection to that was, that the House of Lords might not agree to it, and then they would have thrown a doubt upon the extent of their privileges, without having succeeded in obtaining a law to secure them. He admitted that the power claimed by the House was arbitrary, and that therefore it became them to use it with the greatest possible caution and discretion. When he called it arbitrary, he meant that it was an exclusive jurisdiction, admitting no co-ordinate authority; but when he compared the disadvantages likely to arise from the exercise of the power, with the inconvenience which must result from the House being deprived of it, he found that there was the strongest reason for the House continuing it in its possession.

Resolutions agreed to.

JUNE 8, 1837.

The Attorney-general rose, to bring the case of Messrs. Nicholls and the Messrs. Hansard under the notice of the House. The hon. and learned gentleman concluded a brief statement of the facts, by moving, "That it is the opinion of this House, that the petitioners be allowed to appear and plead to the said action."

SIR ROBERT PEEL:—Mr. Speaker, I have not heard without great regret the opinion of the Attorney-general, that it is advisable, on account of the technical and legal difficulties which would accompany any other course of proceeding, to direct the servants of this House to plead to the actions that have been brought against them. I had hoped that this House possessed sufficient power to vindicate by its own exclusive authority, without the aid or recognition of any extrinsic jurisdiction, those privileges which are absolutely essential to the performance of its proper functions, and even to its existence as an independent branch of the legislature. I was aware of the precedent for pleading furnished by the case of *Burdett v. Abbott*; but as the result of the proceedings in that case was a distinct confirmation, by the highest judicial authority, of the exclusive right of the House of Commons to judge and decide

in matters of privilege, I had hoped that that precedent rather supplied a reason for the assumption by the House of Commons of the jurisdiction which it admitted to exist, than a rule for a repetition of the course which was then followed.

The Attorney-general has reviewed the several proceedings to which this House might have recourse in consequence of the actions of which notice has been given, and the difficulties which would arise were any one of them preferred as an alternative to that of pleading. Of these difficulties an unprofessional man is scarcely a competent judge. I only wish they had been foreseen, and carefully considered by those members of the select committee who belong to the profession, and are so eminent for their legal acquirements, because they ought to have been pointed out in the report of that committee as important elements in the consideration of any practical measure to be adopted for the maintenance of our privileges; and if pointed out, and traced in their several bearings and consequences, might have induced the House to modify at least the resolutions which have been voted in regard to the practical assertion of the privilege in question.

These, however, are matters of subordinate concern. Upon the main point at issue,—the existence of this privilege, and the right, the exclusive right, of the House of Commons to decide with regard to the exercise of it,—I have a decided opinion, the grounds of which I shall take this opportunity of stating. Having been deputed by the House, in conjunction with other members of the select committee, to apply myself to this question, I entered upon it with no previous prepossession or prejudice. I have examined the foundations on which the privilege rests, and the authorities in favour of or opposed to its maintenance; and the result is, a firm conviction that the House of Commons has the right to institute free inquiry upon every matter of public concern,—to elicit every fact connected with the subject of inquiry,—and to publish the evidence taken, and the conclusions drawn from that evidence, either for the use of its members, or, if it shall so think fit, for the use and information of the community at large. My conviction is, that for such publication the House of Commons is not responsible to any other tribunal; and that, therefore, the officers and agents of the House of Commons, acting by its express authority, are not liable to question in a court of law, for acts done in pursuance of that authority.

I found the claim to this right, first, upon the deductions of reason and common sense, from a review of the constitutional character, functions, and duties of a representative assembly, forming one branch of the legislature, being, as they are called by Lord Coke, “the general inquisitors of the realm, coming out of all the parts thereof,” and summoned to advise the king: “*De communi consilio super negotiis quibusdam arduis et urgentibus, regem statum et defensionem Regni Angliæ, et Ecclesiæ Anglicanæ, concernentibus*”

I found this claim, secondly, upon the recorded declarations on great constitutional principles by the highest constitutional authorities; and lastly, upon the decisions of the courts of law.

This is the outline and general scope of my argument, and I shall proceed to establish the privilege to which I lay claim, upon each of the several foundations on which I consider it to rest. First, it is a privilege essentially necessary to the proper discharge of our legislative and inquisitorial functions; and, if necessary, deriving its origin and validity from that necessity. The principle contended for on the opposite side is,—that though we may publish for the use of our own members, without liability to question; yet that we cannot, without incurring such liability, publish for the information of the community; above all, we cannot authorise the publication by way of sale. If this distinction be well founded in point of theory, what practical security does it afford against the supposed abuse for which a remedy is sought? We may print, it seems, 658 copies of our proceedings, and distribute them among the members of the House of Commons. That will be a privileged communication. May the members who thus receive the papers printed for their instruction, make any use of them? May they, if questioned by their constituents as to any particular vote, defend that vote by reference to the printed proceedings which caused the vote, and may possibly constitute its only justification? Will the disclosure to constituents of such cause and justification be also a privileged communication? If it will, where is the limit to the publicity? If it will not, this consequence must follow,—that a member cannot safely explain to his constituents the reason for the

course he may have pursued, although he may have, in common with all other members, an ample vindication of that course in a document printed by the authority of this House.

Can it be maintained in argument, that the privilege of free publication is limited by the House of Commons to publication for the use of its members? Suppose we should be called upon, as we have frequently been called upon, in our legislative capacity, to adopt measures affecting the liberties of the people, or measures demanded by great necessities, and at variance with the established usages and principles of the constitution; suppose the vindication of these measures should mainly rest upon the acts and proceedings of individuals, the public developement of which might be essential to a correct understanding of the measure to be adopted, and of the exigency that required it: is it the constitutional law of this country, that we can give no information to the public on such matters, without liability to question in Westminster Hall?—that we must limit to our own body the knowledge which demands and justifies a new law?—that in the case of enactments, like the bill of exclusion, breaking through the established order of hereditary succession; or, like the suspension of the Habeas Corpus, depriving the subject of his security against arbitrary imprisonment; or, like the Regency bill, transferring the exercise of royal authority from the hands of the monarch;—is it the true constitutional doctrine, that we must require blind submission on the part of the community to our own will and authority; and that we have not the power, however inclined, without liability to question for reflecting on individual character, to enlighten the public mind, and to impress it with the justice and reasonableness of our proceedings? That power we do not possess, unless we can exercise it freely, and without the risk of punishment to those who act by our commands. Better, far better, to relinquish it altogether, than to hold it at the discretion of an extrinsic authority. If a court of law may determine what shall be the degree of public necessity which shall justify our comments upon the acts of individuals,—may limit by its own discretion the exercise of our privileges, absolving our servants in one case, and punishing them in another; then, not only does the privilege itself lose its character and value, but the independence and authority of the House of Commons are virtually extinguished. We have functions to perform, partaking of a judicial character. We have the unquestionable power to suspend the issue of writs of election. We are occasionally called upon to pass bills for the entire forfeiture of the elective franchise,—for the annihilation of the right of constituent bodies to send members to parliament. In each case we act upon the evidence of corruption and abuse. That evidence cannot be taken without imputations and reflections on the conduct of private parties. Must that evidence, from the fear of giving offence, be a sealed book excepting to our own members? Must the town or city whose ancient right is forfeited, remain ignorant of the grounds on which penalty and disgrace are inflicted? Or, if we make public the evidence on which we have acted, for the express purpose of justifying our decision, may those whose misconduct is exposed,—to whom, individually, gross acts of corruption are brought home in our report,—may they construe our publication into a private libel, and seek for redress against our officers in a court of law?

It is occasionally our duty to make inquiry into the alleged misconduct of public functionaries. An accusation is preferred of the violation of public trust, or the abuse of authority committed to a public servant. Must the evidence affecting his character be confined to ourselves? Must the copy of the report which condemns him be reserved for the use of members of parliament? It is surely impossible to draw distinctions between public and private capacities which a court of law can recognise. If our publications generally are not privileged, they are not privileged in the special case of inquiry into the misconduct of a public officer. The public officer, as well as the private individual, may appeal for redress to the courts of law for an alleged libel. He may take the criminatory evidence and the offensive report, and demand redress from the printer of the House of Commons. Surely the decision must turn upon the abstract question, whether the matter complained of be or be not a libel. The public character of the plaintiff will not enter into the consideration of the court. The court will not draw the distinction which we recognise, between the public servant and the private individual—will not admit that comments may be made more freely upon one than upon the other. The court will overlook every

relation of the public functionary save that of a subject of the King requiring redress for a libel.

Now, is it possible to contend that a public servant charged with an abuse of his trust can thus sustain an action for libel? Take a case that has actually occurred. When the present Lord Chief-Justice of the King's Bench was a member of the House of Commons, he felt it to be his duty to move for an inquiry into the conduct of Mr. Kenrick, a magistrate of the county of Surrey, and a judge of the principality of Wales. He charged Mr. Kenrick "with having dishonoured his magisterial functions," and with the "guilt of partiality, violence, and malignity, in imprisoning an individual in some degree under his protection." Evidence was taken at the bar in support of these allegations: evidence painful, no doubt, to the feelings of Mr. Kenrick. That evidence, and the petition preferring the complaint, were printed, upon the motion of Mr. Denman, and became matter of public notoriety throughout the whole country. Now, supposing a member of parliament, having received his copy of these printed papers, had lent it to a friend, or to a constituent, for the purpose of justifying to that constituent his vote.—had thus given to it a publicity beyond that which was required for the use of members; will any one contend that it was competent to Mr. Kenrick to maintain an action for libel against the printer of the House of Commons? If Mr. Kenrick could not, who can? The charges against him implied conduct highly criminal; the evidence *ex parte* was very injurious to his character, and the result was tantamount to his acquittal, for no vote of censure was passed, still less any proceeding adopted for his removal either from the judicial station or the commission of the peace. Why was he debarred from redress? Because in his case, as in others, the privilege of parliament protected the presentation of the petition, the printing of that petition, of all the documents connected with it, of the accusatory evidence given at the bar; and it would have been thought preposterous, if Mr. Kenrick, holding a public trust, and charged with the abuse of it, had sought redress from the Court of King's Bench against acts done or authorised by the House of Commons, in whatever manner they might acquire publicity.

I have thus attempted to prove, that the House of Commons may, if it so think fit, direct a publication of its proceedings more extensive than that which is requisite for the use of its own members. I found the proof of this upon reasonings derived from the duties and functions of the House of Commons, and from the necessity of satisfying the public mind as to the grounds of its proceeding in cases of grave importance, such as the suspension of the public liberties, or the forfeiture of legal rights and franchises, or the inquiry into the misconduct of public functionaries. I found it, also, upon long and uninterrupted, and (until Mr. Stockdale questioned it) unquestioned usage. The sale of the proceedings and votes of the House has continued without interruption from its first commencement. For nearly two hundred years papers have been printed by order of the House, and have received a publicity (in many cases by sale) far greater than that which was required for the personal use of members. From a remote period the invariable practice has been to print and distribute a greater number than was necessary for such a purpose.

It is contended, however, that we cannot authorise the sale of libels. Certainly not. But this use of the word libel is a begging of the whole question. My argument is, that a publication made by the authority of the House of Commons is not a libel, and cannot be questioned as such in a court of law. But under any circumstances, would the fact of sale make any distinction in the character of the publication? If the House of Commons may authorise a gratuitous distribution of a certain paper, may it not authorise the sale of it? Can it, in the eye of the law, make the slightest difference, in determining its legal character as libel or not libel, whether a parliamentary report be printed at the public cost, and given away, or vended at a certain price, covering part of the expense of publication? Surely, the protection depends upon a higher principle than any that is involved in these narrow distinctions between printing for the use of members, or distribution without sale, or distribution by means of sale. It depends upon that great principle which, in a narrower application of it, justifies the publication of proceedings in courts of justice, provided the report be an impartial and accurate report. Those proceedings may be detailed by unauthorised parties, may be sold for individual profit, in term reports and in public newspapers. The consideration of public advantage in the publicity



of judicial proceedings overruled the regard for private feelings and private interests. Can it be maintained, that the House of Commons is so much more restricted in its powers, that it cannot protect its own servants in the authorised publications of its own proceedings, for the necessary information and satisfaction of the community?

I contend then, that this privilege is maintainable on the plain deductions of reason, from a consideration of the functions of the House of Commons, of the necessity of the privilege in question to the satisfactory discharge of those functions, and of established precedent and long-continued usage.

I proceed to support the proofs derived from such considerations by the express declarations of the highest constitutional authorities, specially applicable to the very point at issue, and made under circumstances entitling them to peculiar weight. One example will suffice; for that example is so emphatic, and so conclusive, that it is needless to produce others.

In the reign of Charles II., an information was brought by the Attorney-general against Sir William Williams, who, when Speaker of the House of Commons, had printed, by order of the House, a certain paper, called the Information against Thomas Dangerfield. Judgment passed against Sir William Williams on this information, in the second year of the reign of James II. This proceeding the convention parliament deemed so great a grievance, and so high an infringement of the rights of parliament, that it appears to be the principal, if not the sole object of one of the heads of accusation, against James II. in the bill of rights.

The 8th head in that bill was to this effect;—"By causing information to be brought and prosecuted in the Court of King's Bench for matters and causes cognisable only in parliament, and by divers other arbitrary and illegal courses."

To this article the Lords at first disagreed; and gave for a reason, "because they do not fully apprehend what is meant by it, nor what instances there have been of it; which, therefore, they desire may be explained, if the House shall think fit to insist further on it."

The House of Commons disagreed with the Lords in their proposal of leaving out the 8th article. But, in respect of the liberty given by the Lords in explaining that matter, resolved that the words do stand in this manner:—"By prosecutions in the Court of King's Bench, for matters and causes cognisable only in parliament, and by divers other arbitrary and illegal courses."

By this amendment, the House adapted the article more correctly to the case they had in view; for the information against Sir William Williams was filed in King Charles the Second's time; but the prosecution was carried on, and judgment obtained, in the second year of King James.

That the meaning of the House should be made more evident to the Lords, the House ordered, "That Sir Wm. Williams be added to the managers of the conference;" and Sir William the same day reports the conference with the lords; and "that their lordships had adopted the article in the words as amended in the Commons." And, corresponding to this article of grievance, is the assertion of the right of the subject, in the 9th article of the declaratory part of the bill of rights—*videlicet*, "That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament." The occasion on which this declaration was made, was the constitutional settlement at the period of the revolution; the parties to it were the Lords and Commons forming the Convention Parliament, which declared the rights and liberties of the subject. It was no vague assertion of parliamentary privilege generally. It was pointed at as a specific grievance: that grievance was the filing of an information against the Speaker of the House of Commons for printing and publishing for the use and information of the public, by order of the House of Commons, a certain document, libellous no doubt, if not protected by privilege. There can be no ambiguity in the expressions made use of in the 9th article of the declaratory part of the bill of rights. They claimed for debates or proceedings in parliament, perfect freedom from impeachment or question in any court or place out of parliament; and they are without effect and without meaning, if lord Denman's decision can be sustained—namely, "that the fact of the House of Commons having directed Messrs. Hansard to publish their parliamentary reports, is no justification for them to publish a parliamentary report containing a libel against any man."

I will now consider the remaining ground on which I rest this assertion of privilege, namely, the decisions of the courts of law. They appear to me to confirm the conclusions drawn from general reasoning, and the declaration of the bill of rights. They establish two positions—that that which the House of Commons publishes is a publication protected by privilege; and that of the limits of that privilege, and of the exercise of it, the House of Commons is the exclusive judge.

The first case I will refer to, is the case of the *King v. Wright*. The decision in that case places the privilege on higher grounds than those for which I contend, and extends impunity beyond the limits within which I confine the present argument. I refer to that case mainly on account of the principles laid down by the highest judicial authorities, which appear to me to be conclusive in favour of the position that I am maintaining.

I will briefly advert to the particulars of that case. A committee of secrecy was appointed at a period of great public excitement, to consider and report upon certain documents laid before them for that purpose by the government. A bookseller, of the name of Wright, reprinted fully and accurately, but without any sanction or authority from the House of Commons, the report of the committee. It contained allegations against several persons, three of whom, Messrs. Hardy, Thelwall, and Horne Tooke, had been charged with high treason, and had been acquitted by a jury. Now, the presumption of the law clearly was, that they were entirely innocent of the charge, and had a right to all the benefit of acquittal. And yet the report of the committee of secrecy thus speaks of the parties:—"Some of the persons so arrested were prosecuted for high treason. Three of the persons so indicted were tried, and on their trials were acquitted of the charge in the indictment. But the evidence given on those trials established in the clearest manner that the views of those persons and their confederates were completely hostile to the existing government and constitution of this country, and went directly to the subversion of every established and legitimate authority."

Now, it is difficult to conceive a more aggravated case of libel, if the character of the publication were to be judged of upon ordinary grounds, and without any reference to the authority under which it was made. A rule was granted against Wright, the bookseller, at the instance of Mr. Horne Tooke. It was argued by Erskine and Warren, in support of the rule, "That the House of Commons themselves were not justified in directing or giving a sanction to the publication of this libel on Mr. Tooke; or, at all events, they have no legal authority to direct or sanction the publication of matter that amounts to a libel on any individual, beyond an entry on its own journals, or for the use of the members of the House." But Lord Kenyon observed:—"It is impossible for us to admit that the proceedings of either of the Houses of Parliament is a libel, and yet that is to be taken as the foundation of this application. This is a proceeding by one branch of the legislature, and therefore we cannot inquire into it." Mr. Justice Grose said:—"This is a motion for leave to file a criminal information for publishing a supposed libel, but, in truth, for publishing a proceeding of one branch of the legislature, when they were acting for the safety of the State. Now, on looking into the judicial proceedings of this court, I find no instance of such an information as the present." Mr. Justice Lawrence observed, that—"A true account of what passed in a court of justice could not be a libel, though the publication of such proceedings might be to the disadvantage of the particular individual concerned; for it is of vast importance to the public that the proceedings of courts of justice should be universally known. The same reasons also apply to the proceedings in parliament. It is of advantage to the public, and even to the legislative bodies, that true accounts of their proceedings should be generally circulated; and they would be deprived of that advantage, if no person could publish their proceedings without being punished as a libeller. Though, therefore, the defendant was not authorised by the House of Commons to publish the report in question, yet, as he only published a true copy of it, I am of opinion that the rule ought to be discharged."

Mr. Justice Lawrence, it will be seen, rested the claim to protection on higher and more extensive ground than that of the usage or any special privilege of parliament. He contended for the doctrine, that true accounts of proceedings in parliament and in courts of law, were for the public advantage, and therefore entitled to

universal protection. He contended for the impunity of unauthorised parties who might, with a view to individual gain, publish the proceedings of courts of justice. If Mr. Justice Lawrence were right, *a fortiori* the authorised servant of the House of Commons must be entitled to protection. If in the case of Wright he carried too far the claim for impunity, the objection that might apply to the extended claim, will have no necessary application to the more limited claim of privilege which the present question involves.

Against that privilege, the privilege of unfettered inquiry and free publication, either for the use of the House of Commons, or the information of the community, no argument has been advanced which has the sanction either of reason or authority. It is contended, that it may be abused; and cases of wilful tyranny and extreme oppression are brought forward hypothetically, for the purpose of showing that there ought to be the means of redress, and, therefore, that a court of law ought to have jurisdiction. The argument from the possibility of abuse, if valid in this case, is equally valid against every other privilege of parliament. It is valid also against the right of courts of justice to commit for contempt, without liability to question by co-ordinate tribunals; it is valid against judgment in the last resort,—against the supreme authority of parliament,—against the grant of any power to a human, and therefore imperfect tribunal, from which there is not a right to appeal.

If the right of publication be a privilege necessary for the performance of the functions of the House of Commons, then, like other privileges, it is not liable to question in a court of law. The House of Commons is the exclusive judge of the exercise of it. The judgments, not of the House of Commons, but of the courts of Westminster, are decisive on this point. I speak not of the case of the King *v.* Wright, but of other cases, of every case in which an application on a question of privilege, like this application of Stockdale, has been made to the courts of law. The arguments now urged in favour of the jurisdiction of these courts were urged in the cases to which I refer. The objections from the possible abuse of privileges, of which the possessor was to be the exclusive judge, were distinctly brought forward; but they were overruled by the tribunals whose authority would have been extended by admitting the force of them. The courts of law repudiated the jurisdiction with which it was proposed to invest them.

The decisions of the court in the case of Crosby, the lord mayor of London, and in the case of Burdett *v.* Abbott, are conclusive on this point. In the first case, a person of the name of Miller was delivered from the custody of the messenger of the House of Commons, by the lord mayor, who denied the authority of the Speaker's warrant within the city. The lord mayor, was adjudged by the House of Commons to have been guilty of a breach of privilege, and was committed to the Tower. Application was made to the Court of Common Pleas for the discharge of the lord mayor from custody, on the ground that the House had exceeded its jurisdiction in committing for what, on the face of the warrant, did not appear to be a breach of privilege.

In refusing the application, Chief Justice De Grey said,—“When the House of Commons adjudge any thing to be a contempt or a breach of privilege, their adjudication is a conviction, and their warrant is an execution; and no court does or can bail a person in execution.” The Chief Justice asked what were the objections to the power of the House of Commons? “It is objected,” said he, “first, that the House of Commons are mistaken, for that they have not this power, this authority; secondly, that, supposing they have, yet in this case they have not used it rightly and properly; and, thirdly, that the execution of their orders was irregular. In order to judge, I will consider the practice of the courts in common and ordinary cases. I do not find any case where the courts have taken cognizance of such execution, or of commitments of this kind: there is no precedent of Westminster Hall interfering in such a case. In Sir John Paston's case, 13 Rep., there is a case tried from the ‘Year Book,’ where it is held, that any court shall determine of the privilege of that court; besides, the rule is, that the court of remedy must judge by the same as the court which commits: now, this court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law; for the law by which the Commons judge of their privileges is unknown to us.” Again, he says:—“The House of Commons only knows how to act within their own limits. We are not a court of ap-

peal. We do not know certainly the jurisdiction of the House of Commons. We cannot judge of the law and privileges of the House, because we have no knowledge of those laws and privileges." Observe how the Chief Justice disposes of the objection from possible abuse. He says;—"Another objection has been made, which likewise holds out to us, if pursued in all its possible cases, some dreadful consequences; and that is, the abuses which may be made by jurisdictions from which there is no appeal, and for which abuses there is no remedy: but this is unavoidable." "In the case of a commitment by this court or the Court of King's Bench, there is no appeal. Suppose the Court of King's Bench sets an excessive fine upon a man for a misdemeanour, there is no remedy, no appeal to any other court. We must depend upon the discretion of some courts."

Mr. Justice Gould said:—"I entirely concur in opinion with my Lord Chief-Justice, that this court has no cognizance of contempts or breach of privilege of the House of Commons: they are the only judges of their own privileges; and that they may be properly called judges appears in 4 Inst. 47, where my Lord Coke says, an alien cannot be elected of the parliament, because such a person can hold no place of judicature." "This court cannot know the nature and power of the proceedings of the House of Commons. It is founded on a different law. The '*Lex et Consuetudo Parliamenti*' is known to parliament men only."

What said Mr. Justice Blackstone, an authority whom my hon. friend (Sir Robert Inglis) will, with myself, from our connection with the University of Oxford, regard with common respect? "I concur," said he, "in opinion, that we cannot discharge the lord mayor. The present case is of great importance, because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts, more especially with respect to their own members; here is a member committed in execution by the judgment of his own House. All courts, by which I mean to include the two Houses of Parliament and the courts of Westminster Hall, can have no control in matters of contempt. The sole adjudication of contempts, and the punishment thereof in any manner, belong exclusively, and without interfering, to each respective court. Infinite confusion and disorder would follow, if courts could, by writ, of habeas corpus, examine and determine the contempts of others. This power to commit, results from the first principles of justice; for, if they have power to decide, they ought to have power to punish: no other court shall scan the judgment of a superior court, or the principle seat of justice; as I said before, it would occasion the utmost confusion, if every court of this hall should have power to examine the commitments of the other courts of the hall for contempt, so that the judgment and commitment of each respective court, as to contempts, must be final and without control." "I know, and am sure, that the House of Commons is both able and well inclined to do justice. But there is a great fallacy in my brother Glynn's whole argument, when he makes the question to be whether the House have acted according to their rights or not? Can any good man think of involving the judges in a contest with either House of Parliament, or with one another? and yet this manner of putting the question would produce such a contest. The House of Commons is the only judge of its own proceedings. Holt differed from the other judges on this point; but we must be governed by the eleven, and not by the single one. It is a right inherent in all supreme courts; the House of Commons have always exercised it. Little nice objections of particular words and forms, and ceremonies of execution, are not to be regarded in the acts of the House of Commons; it is our duty to presume the orders of that House, and their execution, are according to law. The habeas corpus in Murray's case, was at common law. I concur entirely with my Lord Chief-Justice." Mr. Justice Blackstone also considered the objection derived from the possible abuse of power, and the absence of a sufficient remedy. He remarked:—"The objections which are brought of abusive consequence prove too much, because they are applicable to all courts of *dernier ressort*. '*Et ab abusu ad usum non valet consequentia*,' is a maxim of law as well as of logic. General convenience must always outweigh partial inconvenience; even supposing (which I am far from supposing) that in this present case the House has abused its power."

In the case of *Burdett v. Abbott*, in the year 1820, where an action of trespass was brought by Sir Francis Burdett against the Speaker for arresting and imprisoning

him, the decision of the Court of King's Bench adopted the principle which had governed former judicial decisions. The defendant, in his plea, relied on the order of the House as his justification. The court considered that plea to contain a legal justification; and Lord Ellenborough in the course of his judgment, observed,—“Independently of any precedent or recognised practice on this subject, the House of Commons must, *à priori*, be armed with a competent authority to enforce the free and independent exercise of its own proper functions.”

Upon this ground, and supported by these high judicial authorities, — by the sanction of such names as De Grey, Gould, Blackstone, Kenyon, Grose, Lawrence, and Ellenborough, I claim for the House of Commons “a competent authority to enforce the free and independent exercise of its own proper functions:” the great functions of instituting inquiry into matters of public concern; of enlightening and satisfying the public mind; of reconciling the public feeling to acts which, without explanation, might have the appearance of intolerable harshness and severity. I ask for no extension of the privileges of the House of Commons, and will consent to none; I contend for those privileges only which are recognised by the bill of rights, by long-continued usage, and by the courts of law. To some it may appear desirable, on account of recent changes in the constitution of the House of Commons, and the increase of popular influence upon its proceedings, to curtail, as far as possible, even its legitimate authority. I cannot concur in the policy of this course. I think it more wise, more conformable with true conservative principles, to stand upon the ancient ways of the law and constitution; to maintain the just and ancient privileges of each of the great constituent branches of the legislature.

I wish to speak with the highest respect for the person as well as for the station of the Lord Chief-Justice. To his decision, as a judge, in all ordinary cases of the construction of the law, and the administration of justice, I bow with deference; but when his decisions impugn the privileges of parliament, I have not only a right, but am bound by duty, to take cognizance of them. I do not believe that his judgment in the case of *Stockdale v. Hansard*, is maintainable. His direction to the jury, — “That the fact of the House of Commons having directed their printer to publish their parliamentary reports, is no justification for the publication, by them, of a report containing a libel, upon any man.” — I believe to be erroneous. I trust the sanguine anticipations of the Attorney-general, that upon fuller and more deliberate argument the court will reverse this decision, will be confirmed. Still I cannot view, without serious apprehension, the possibility of their disappointment. By the course recommended by the Attorney-general, that is, by the instruction to our officers to plead, we virtually submit a decision upon our privileges to a court, the head of which has already given an adverse decision with regard to them. If that decision be confirmed, our next step will be an appeal to the House of Lords, and thus the transfer to a co-ordinate branch of the legislature of that exclusive jurisdiction to which we lay claim for ourselves in matter of privilege. I have every confidence that justice will be done according to the law and constitution of the country; but, believing that the privilege of free publication is as unquestionable as it is vital and essential to the proper discharge of our functions, I cannot without anxiety see it made the subject of litigation.

The motion was agreed to. The Attorney-general was also instructed to defend the actions.

## CHURCH LEASES.

JUNE 12, 1837.

In the debate on Lord John Russell's motion for the appointment of a Select Committee to inquire as to the present management, and to the probable amount of benefit that might be derived from an improved management, of property connected with the Church.

SIR ROBERT PEEL observed, that he was in no way surprised at the impatience exhibited by the House, considering that the subject had already been debated for five nights. In the few observations he begged to be allowed to make, he should strictly

confine himself to the immediate point before them, namely, whether it was fitting that a select committee should be appointed to consider this question. He well knew how plausible a proposition the appointment of a select committee was. He knew well, that if he had merely some political object in view, it would be much better to acquiesce in the proposal. He was aware that many persons, seeing how their property was situated, in consequence of the ministerial proposition on Church-rates, whatever their original objections to the appointment of a committee, were now almost ready to assent to it, as offering them a means of putting an end to their embarrassments. But he considered the proposition so objectionable—as involving so had a precedent—that, whatever the decision might be, he for one was determined not to acquiesce in the proposal to appoint a select committee to perform the duties of the executive government. This would be a precedent which government might be very glad to avail itself of, whenever it became desirable to escape out of a political dilemma. The subject had undergone a more close discussion than any other this session; greater numbers had divided on it; in the second instance, the division was entirely on the principle of the measure, it was a division on no question of detail, but turned simply on this point, whether or no, assuming that there was any available surplus, that surplus should be applied as a substitute for Church-rates, or to purposes immediately connected with the diffusion of religious instruction. On this great principle ministers had a majority of five. Why, then, did not ministers proceed with the measure; But no? they would neither do this, nor let it alone for this session, but now, for the first time, suggested the reference of this important question to a select committee of its own nomination. This was a precedent, which at any time, and under any circumstances, might be adopted, if it were allowed to become a precedent at all. It would always be a very easy thing for government, when it despaired of carrying a measure in the usual way, and when it had not the manliness either to persevere in it, in the ordinary mode, or give it up at once, to get out of the dilemma for the time by a proposition like this. The proposal was, in fact, neither more nor less than the appointment of an ecclesiastical cabinet, not by the country, but by the House of Commons, for the purpose of relieving the executive government from all further responsibility and trouble. He hoped they would take care not to have too numerous a cabinet. An hon. gentleman had desired to have the names of the new cabinet stated to the House. He would not go so far as that, but he thought it would be desirable to have the name of its chairman mentioned. The simple course then would be, for the new premier to appoint his colleagues himself; for it was of great importance to secure unanimity of opinion in the new cabinet. A conflict of opinions among its members would obviously destroy all the good effects anticipated. Of course the question would not, like the ballot, be left an open one, and yet no other course was practicable, if a conflict of opinions was admitted into this new cabinet, by the selection of its members from the opposing sides of the House. The noble lord said, he did not want the committee to decide on any great principle, but such was, notwithstanding, the case. By the express terms of the reference proposed to be made to it, it was called on to consider a great principle. The committee was called on to decide on the amount of any increased value which might be obtained from this property by an improved management, and with a due consideration of the interests of the Established Church, and of the present lessees of the property. The consideration of these interests was the proper subject for government alone to take up, but these two great questions were committed to the proposed committee. The noble lord might talk of government retaining its responsibility; but the clear fact was, not only that it devolved on this committee a duty properly its own, but that it precluded itself from offering any advice to the Crown on church affairs so long as the committee existed; and what limit was put to the duration of this committee? The committee had not to inquire into the existing mode of granting and renewing leases. On this point there was already ample information, but it would have to determine what instances of abuse existed under private bills, and when this part of its duty was discharged, it would have to consider the other and much more important matter, namely, what was the probable amount of the increased value of this property under improved management, and with a due consideration of the interests of the Established Church and of existing lessees. To ascertain this point, it would be essential to institute local inquiries all

over the country, and for the committee to perform their duty honestly and fully, this part of their labours must necessarily be greatly protracted. Assuming, for the sake of argument, that further inquiries were necessary, these inquiries, in his opinion, might be conducted with infinitely greater effect by the executive government, which had the means of commanding better information than any committee of that House. In the case of the municipal corporation inquiry, the inquiry was first intrusted to a select committee of the House; but the delays and difficulties which took place, in consequence of the local nature of the whole of the investigation, very speedily convinced the committee of its insufficiency to fulfil the object; and on the recommendation of the committee its duties were transferred to a commission. He remembered, too, that when the right hon. member for Bute, about this period of the year, made a proposition that a committee should be appointed to inquire into the state of religious instruction in Scotland, he was told by government that no progress could be made in such an inquiry by a committee; that the inquiry, being necessarily local, could be conducted with much greater effect by a commission; and so a committee was refused. If the committee now proposed were granted, the only thing would be that after sitting some time, the executive government would find it necessary to appoint a commission, and, until the report of this commission, every thing in connection with Church-rates must be kept in suspense. How, therefore, those gentlemen who considered the speedy settlement of this question indispensable could, on this 12th of June, consent to the appointment of this committee he was quite at a loss to understand. Had ministers openly stated that on account of the smallness of their majority on this question, they would not persevere in it this session, but, adhering to its principle, sought further information on points not considered sufficiently clear, with a view of reviving the bill next year, such a course would have been perfectly intelligible. He further objected to the appointment of this committee, because he considered that, after what had passed in reference to the ecclesiastical commission, such a proceeding would be tantamount to a breach of faith. He did not think that commission ought to have been renewed, without government having distinctly apprised them that it contemplated the finding a substitute for Church-rates in an improved management of church property. That commission was appointed by his recommendation, and on Lord Melbourne's accession to office was renewed, the original members of it who held office then resigning their situations, and persons holding office under the new government were appointed in their stead. The ecclesiastical members of that commission had subjected themselves to much misconception and obloquy from the church for at all acquiescing in the commission, but an overwhelming sense of duty, and a sense that the real interests of the church were involved, induced them to lend their aid to the work. They proposed the division of the country into new episcopal districts. This measure reduced the incomes of some bishops, and transferred the property annexed to some sees to supply the deficiency of others. The noble lord, when he introduced the bill for affecting that object, said, that no measure of church reform would be satisfactory unless it was previously approved of by the heads of the church. The noble lord on that occasion dwelt with evident satisfaction on the friendly agreement of the bishops in his plan. The noble lord had stated that if they disapproved of the present plan, they ought never to have agreed to the slightest innovation. The noble lord came forward and declared that, after assenting to the bill of last year, they must consent to this measure, divesting the church of its property. The noble lord said, if they remained as before, and resisted all reform, the bishops might have retained possession of all their property, and he could understand the principle on which they resisted; but having consented to the measure of last year, they must consent to the present plan, involving a total alienation of their property. What motive was this to them to go on with the reform in the church which they had commenced. The bishops were told, that if they consented to assist in the work of reform, a virtual obligation would be contracted with them that they should be protected from other measures; but the year afterwards the noble lord proposed a measure which was dangerous to the interest of the church; and he said they must consent to this plan because they had agreed to the reforms which he proposed last year, and which he said he now wished to extend by making the bishops stipendiaries. The noble lord then said, "With respect to an archbishop or bishop, he was placed, according to

the constitution of the church—and that constitution he did not wish to alter—among persons having a large revenue derived from the property of the country. He was placed in a certain house, which required a certain establishment to be maintained, and that there should be observed certain duties of hospitality; he was placed in a situation in which even more was required from him than from men of the highest rank and great landed property, on account of charity, a large expense being incurred. In all these respects his situation was totally different from that of a Chief Justice of the King's Bench, or a First Lord of the Treasury, who received an official salary, out of which he paid the expenses consequent on the performance of the duties of his office, and nothing else." This was avowed by the noble lord when he brought forward his measure of church reform last year, which he stated he considered a most useful measure of practical reform, and pre-eminently so, because it had the sanction of the bishops. In 1837, however, the noble lord proposed a plan not only at variance with their opinions and wishes, but which would, in operation, make the bishops merely stipendiaries. On these grounds, namely, by the appointment of the ecclesiastical commission, by the course of proceedings adopted by the commissioners, by the obligations which the government had contracted towards that commission, he objected to transferring the consideration of this question from the executive government to a committee of the House of Commons. If the noble lord had told the bishops that the consequence of their consenting to the commission and the bills of last year would be that he would plead their acquiescence as an argument for the measure on Church-rates, which they considered destructive to their order, and to the interests and stability of the church, he never could have extorted from them the first step to reform the church. If the noble lord had told the bishops that he intended to propose that a committee of the House of Commons should be nominated for the revision of the mode of granting leases of church property, and for the revision of the whole mode of management, with a view of obtaining a surplus to be directed to other than strictly ecclesiastical purposes, he would never have obtained their consent to the measures he had introduced. It was possible that some hon. members—but he did not believe that there were many, seeing the dangerous position in which church property was placed—might be led to agree to the motion, in the belief that a better distribution and management of that property might be effected. He could not, however, yield up his strong objections to the nomination of this committee; he would rather, after what had passed, that the ecclesiastical commissioners had not been appointed, foreseeing the effect that their objections to this plan must have in obstructing the course of reform in the church. He would rather be in a minority of ten on this question, than agree to any course of proceeding like the present; but he trusted that by the vote of the House that night they would escape the inconvenience which would arise from adopting the motion. To agree to this motion, it was evident that gentlemen must have more confidence in the committee of that House than in his Majesty's government, supposing that the House should agree to the appointment of the committee. He hoped some gentlemen in favour of the appointment of the committee would state their views in favour of the appointment with clearness and distinctness. He hoped that the lessees would see the advantage which were likely to result to them from the appointment of this committee; if they went into the committee, however, the noble lord would do so with the view of supporting a foregone conclusion. It was absolutely necessary that they should find that there was a surplus of £250,000. If they could not supply this £250,000 by this means, then there was an end of their present measure of Church-rates. If there was only a surplus of £100,000, they must obtain the remainder from some other source—they must trespass on some other fund, and thus they must touch the principle which the noble lord said he could not agree to. If they obtained only an indefinite surplus, for instance £10,000, or £100,000, or £150,000, or other sum, the question would still be left open for further consideration. After having occupied the House at such length, he would not enter into the discussion of the principle of the plan, for that had already occupied the attention of the House for five nights; he repeated, however, he opposed the appointment of the committee, because it would lead to unnecessary delay, because the duties which were to be referred to the select committee of that House, proposed to be appointed, belonged to the executive government, and, above



all, since the ecclesiastical commission had been appointed, there was no ground for the appointment of this committee.

Motion agreed to; the committee, which was not nominated, to consist of twenty-one members.

## MESSAGE FROM THE QUEEN.

JUNE 22, 1837.

Lord John Russell appeared at the bar, and said that he was charged with a Message from her Majesty.

The Speaker having read the Message to the House,—Lord John Russell moved the adoption of an address, in reply to the Queen's Message.

SIR ROBERT PEEL said, although my attendance here to-day is not unaccompanied by pain, yet the pain I should feel would be far more acute and more lasting if I were unable to join in the mournful ceremony which we are this evening called upon to go through. Only seven short years have elapsed since I, standing then in the situation which the noble lord who has just sat down at present fills, had to perform the duty of proposing to the House of Commons that it should offer to his late Majesty, an assurance of our condolence on the death of his lamented predecessor, and at the same time to express their anxious hope that the reign upon which he was then about to enter might be long and prosperous. If that prosperity could have been insured alone by the devotion of a Monarch to the best interests of the country, the latter wish would have been completely accomplished, for never did any sovereign obtain more entirely than did William IV., the gratitude and affection of his people. I need hardly remind the House that one of those wishes was disappointed. The hope which we expressed of a long reign has unfortunately not been fulfilled; but when we expressed another hope—namely, that his Majesty might enjoy the respect and affections of his people—the House of Commons conveyed a wish which has been more than realised. To me it is now a melancholy consolation to be permitted to second this motion, and to unite with the noble lord opposite in proposing to this House that we should offer to the memory of the late king a sincere tribute of national respect. The becoming reserve which secludes a sovereign from the ordinary intercourse of society, had not the effect of concealing the real nature and disposition of the King, and I do believe that there never existed a more universal feeling than that now prevailing in this country, that the reins of government never were intrusted to one who bore himself more fairly in every relation—who bore the honours of his rank more meekly or with more true dignity—who evinced more compassion towards all who suffered, or who manifested on every occasion a nature more entirely free from selfishness. There was no rank, however exalted, no station, however humble, in which persons were not to be found who had opportunities of seeing how anxiously the late King did all in his power to promote individual and general happiness. It must, I am sure, be amongst the greatest consolations of his illustrious and now widowed Queen, that the House of Commons—the heart of this great nation, should entertain such sentiments as I am satisfied they do feel towards her lamented husband, and that we are, at the same time, profoundly sensible that she has, during the whole course of his reign, shed a lustre on it by the discharge of every domestic virtue, and the performance of all the duties of domestic life. In the last and closing scene of mortal agony, it is well known that she made unexampled efforts to mitigate the sufferings of him whose life was of so much value to her, and to that people who were proud to acknowledge her as their Queen. I have had the good fortune to occupy the situation under the late King which the noble lord opposite now fills, and I am enabled with the most perfect sincerity to confirm all that he has stated with respect to his late Majesty's devoted attention to business, to the feelings and convenience of those with whom that business was to be transacted; and I may add, that that application to business was carried the length of an utter forgetfulness of all amusements, and even of all private considerations, that could for a moment interfere with the most efficient discharge of his public duties. Never had public servants a more

kind and indulgent master; never did a man act with more perfect fidelity. Never was there a man who, whatever might be his own political opinions, or with whatever frankness they might be stated, who acted with more entire good faith than his Majesty did, towards those who were responsible for the advice they tendered. There was not only an absence of all indirect means by which their free action could be impeded, there was not only a total absence of intrigue, but there was that sincere confidence and support, which was perfectly compatible with the maintenance of even opposite opinions. In those cases in which it did happen to that much lamented Sovereign to entertain sentiments different from his responsible advisers, they were, I can undertake to say, never pressed beyond the proper limits. It is, Sir, with heartfelt sincerity that I join in the cordial good wishes expressed in the address moved by the noble lord, that health, happiness, and a long reign of prosperity and glory may be enjoyed by the infant—the young Queen; and I can only wish that that success may respond to her own natural inclinations, and to her own natural powers—that it may respond to the affectionate care and unremitting attention which have been devoted by an illustrious princess and an affectionate mother to her education. If that success correspond to those natural expectations and to that unremitting zeal, it will be as complete as human success can be. It is difficult, however unphilosophical it may be, to avoid forming a judgment from slight indications; but I will venture to say that there is no man who was present when her Majesty, at the age of eighteen years, first stepped from the privacy of domestic life to the discharge of the high functions which on Tuesday last she was first called on to perform, without entertaining a confident expectation that she who could so demean herself was destined to a reign of happiness for her people and glory for herself. There is something which art cannot imitate and lessons cannot teach—and there was something in that demeanour which could only have been suggested by a high and generous nature. There was an expression of deep regret at the domestic calamity with which she had been visited, and of a deep and awful sense of the duties she was called upon to fulfil—there was a becoming and dignified modesty in all her actions, which could, as I have already observed, only have been dictated by a high and generous nature, brought up no doubt under the guidance of one to whose affection, care, and solicitude, she is, and ought to be, deeply grateful. I shall not weaken the effect of the noble lord's speech by entering into further details; they are totally unnecessary. I trust I have said enough to convince the House that all persons, without reference to party distinctions, and in the oblivion on this day of all party differences, join in the expression of cordial condolence with her Majesty on the loss which she and the country have sustained, and in the most heartfelt wish that we are now at the commencement of a long, a prosperous, and a happy reign.

The address was unanimously agreed to, and ordered to be presented by such members of that House as were members of her Majesty's most honourable Privy Council.

Parliament was dissolved by proclamation on the 17th of June, and a new one summoned, which was finally ordered to assemble on November 15, 1837.

## ADDRESS IN ANSWER TO THE SPEECH.

NOVEMBER 20, 1837.

Her Majesty's Speech having been read, Lord Leveson moved the Address, in reply.

SIR ROBERT PEEL: Sir, I have frequently, on an opportunity like the present, taken an occasion to express my opinion, both when in office and when in opposition to the government, that it was not convenient on the first day of session to call upon parliament to give pledges upon any subject. I have expressed that opinion because I think it unfair, government being naturally and necessarily in possession of the measures which they mean to propose to invite parliament, which had not the same cognizance of those measures, after, probably, only a debate of two or three hours, to express an opinion upon subjects of the deepest public interest. The opinion thus expressed on former occasions, I still retain. Had the Throne been filled by

our late Sovereign, a Sovereign advanced in years, I should have maintained the same opinion. Had it been thought desirable to call upon parliament for pledges on any particular question, I should have urged the absolute necessity, in point of justice, of reverting to the ancient practice, and of giving to the House, so called upon to express an opinion, at least an opportunity of deliberating for forty-eight hours. But I think, considering the multiplicity of measures necessarily alluded to in the Speech from the Throne, that it is infinitely better for the Crown to content itself with indicating the general measures which it means to propose, and so to word the Address that we should be enabled on the first day of the session to concur in the Address without any compromise of opinion. If I should have felt the force of this opinion under ordinary circumstances, I do feel, considering the circumstances of the present time, considering that this is the first occasion on which a Queen of so early an age has addressed her parliament, that the opinion to which I have referred acquires extraordinary and peculiar force. I cannot refer to the concluding paragraph of that Speech, in which her Majesty states that the early age at which her Majesty is called to the sovereignty of this kingdom renders it a more imperative duty that, under Divine Providence, her Majesty should place her reliance upon our cordial co-operation—I cannot hear those expressions fall from the lips of the Queen of this great empire, addressing parliament for the first time, without anxiously availing myself of the means of concurring in the Address in reply to the Speech from the Throne, and of tendering to her Majesty an assurance of loyalty, and of my desire to afford the co-operation which she asks. I give to that Address, therefore, my acquiescence, my entire and unqualified acquiescence, because I must say, independently of my desire on this occasion, to avoid the appearance of a contentions debate, and still less the necessity of dissent, certainly the Address itself is so worded, that he must be very critical and captious indeed who could find occasion to object to it. But at the same time it is right to say, that I reserve my opinion on every measure to which the Address makes allusion. I cautiously abstain from expressing or implying any pledge upon any measure noticed in the Speech from the Throne. I disclaim any acquiescence in the facts there stated, and I disclaim any necessary implication that because I concur in the Address I concur in the opinions which it may be presumed to express. I shall, therefore, acting upon the principles I have avowed, and looking at the terms in which the Address is proposed, feel the greatest satisfaction in giving my acquiescence, an acquiescence which but for the speech of the hon. member for Finsbury would probably be unanimous. Apart from the considerations to which I have referred, it would clearly be quite impossible, with any beneficial effect, to enter upon a discussion of the various measures which are noticed in the Speech from the Throne. The affairs of Canada, the question of the Civil List, the state of Ireland, and the questions connected with it, are so different, that it would be ill-advised and ineffectual to attempt to include in one discussion those various and important measures. As far as the Civil List is concerned, and I will refer to no other subjects than those to which the noble lord referred, I do not feel called upon to express any positive opinion; but I do not hesitate to say that I have heard with satisfaction that it is not meant to abandon the revenues derived from the Duchies of Cornwall and Lancaster. The noble lord classed these two Duchies together; but I apprehend that in point of law there is a material distinction. The revenues and privileges of the Duchy of Cornwall are held by the Crown, as trustee, whereas over those of the Duchy of Lancaster, there is a more direct and immediate control. I do not notice this distinction for the purpose of establishing any separation, because it is unnecessary, and I will only add, that I rejoice that all those ancient titles should be preserved. Upon the particular matters of detail to which the noble lord has referred, with respect to the administration and management of the revenues of these Duchies, I shall reserve my opinion upon those points until I hear further explanations and reasons for the course proposed to be pursued. I am, then, under these circumstances, called upon to decide whether I shall vote for the amendment proposed by the hon. member for Finsbury. That amendment appears to have been proposed under the impression that her Majesty's government was composed of what the hon. gentleman calls "squeezable materials," and I have not the slightest doubt that this is the object of the amendment. The hon. member did not hope that the House would be induced

to acquiesce in that amendment, but he did hope that by the pressure of the conjoint trio by whom the amendment was supported, the noble lord, who was the immediate representative of the squeezable materials, might be induced to give some satisfaction on the points on which the hon. member for Finsbury was particularly anxious. I certainly rejoice that the noble lord has defeated the expectations of his hon. supporters; for, with respect to the Reform Bill, which the hon. member for Finsbury considered of such vital importance, the noble lord has not shewn himself to be composed of such squeezable materials as the hon. gentleman anticipated. The noble lord objected to take any one of the powders which the hon. member for Finsbury had prepared for him. Indeed, the noble lord had altogether rejected what had been so kindly offered to him, and the hon. member for Finsbury, as far as the noble lord was concerned, had entirely failed in producing what he might naturally infer would be the result of his powders. But the hon. member for Finsbury will, I apprehend, persist in his amendment, and take the sense of the House. I know perfectly well that the hon. member for Finsbury considers that the country ought to be aware of the opinions of their representatives. The hon. member, therefore, acting in consistency with his own opinions, will of course compel the House to declare, whether it concurs with him or not. I am certainly surprised, at the same time, that the amendment falls so far short of the hon. member's intention. It is an incomplete amendment, because the hon. member says, the country is gasping with impatience to hear of an alteration in the corn-laws, and of the amendment of the law of primogeniture. And yet the hon. gentleman disappoints the country of these reasonable expectations; for though he has three separate amendments, in no one of them does he touch these two important points, with respect to which he tells us that the country is gasping with impatience. How the hon. member for Kilkenny could advise the withdrawal of those amendments I cannot conceive; for he states, that in the whole course of his experience, he never heard of any good measure being brought forward, unless it were included in the Speech from the Throne. There was, indeed, one exception, and that was in the year 1822, when we had an unreformed parliament. The hon. member for Kilkenny stated, that, with this single exception, he did not recollect another instance in which, unless it were expressed in the Address, a good measure was proposed. The hon. member for Kilkenny will, therefore, see the necessity for pressing on his hon. friend, the member for Finsbury, who had already shown himself, with respect to the law of primogeniture and the corn-laws, to be backward in coming forward; and now the hon. member for Kilkenny, whose words I have borrowed, is putting himself forward to keep the hon. member for Finsbury backward. The hon. member for Finsbury looked round him, and asked how it could be accounted for that the reform majority had dwindled from 150 to 30? I will tell him how I account for it. Do not believe that intimidation or corruption has done it. Do not believe that intimidation and corruption, in the present constituent body can produce any such effect. What! is that the opinion you entertain of the Reform Bill? Do I hear, in 1837, after all the predictions with respect to the satisfaction the Reform Bill was to produce, and the public confidence it was to create and maintain—do I hear now declarations that of all the grievances under which this country labours, the representative system is the worst? Do I hear it gravely asserted that the country is groaning?—for that was the expression that was used. No less expressive a term would satisfy the hon. gentleman to express the degree of dissatisfaction which the country felt. This is the language which has changed the public mind. The public is alarmed with the menaces of a new revolution. What was the expression of the noble lord (Lord J. Russell)—the author of the Reform Bill?—He said, that the country could “not afford to have a revolution once a-year.” What then must the people think? What must an intelligent people think of these changes and alarms of change which amount almost to a revolution once a-year? They see an enormous change in the representative system, which they have reason to believe, from the declarations of the parties themselves, would be accepted, not as a final measure, because no measure can be said to be final and irrevocable; but that it was to be considered, as far as the declarations of public men of all parties could make it, a settlement of the question of reform. We heard it said, that that experiment was made on an extensive scale, in order that it might be final. These were the arguments addressed to our anxieties and apprehen-

sions. When we said that the change was too extensive, it was said, "We make the change extensive, in order to prevent new demands and changes." Five years only have elapsed, and you tell us that the people are not merely not satisfied, but that the great curse under which they labour is the present representative system. This is the language which has caused anxiety and alarm in the public mind—which, more than the acts of despotic sovereigns, has a tendency to prevent the development of free principles. Thus the people argue: "If England consented to part with that ancient system of representation, which had at least the advantage of long prescription and established order; if England consented to part with this, and the chief advantage from it is, that within five years of the birth of the new system, it is seen to be an absolute failure—that it is declared to be a just cause of complaint and indignation, and the source of injustice; shall we again run the risk of making an alteration in the established order of things?" These are the inferences which the people draw from declarations of this kind with respect to the failure of this measure, which it was anticipated would be pregnant with satisfaction to the constituency, and of advantage to the country. It is this language—the threat one day to destroy the integrity and independence of the House of Lords, another, to put down the Established Church, which has alarmed the people, and produced the effects of which you complain. It was the assumption, which is the foundation of all persecution, "I am right, you are wrong;" the assumption that because I do not agree with the hon. member for Kilkenny, therefore I am to be denounced as unfit to be a representative; it is the fear that we are undermining the foundations of all other institutions in Church and State; it is not corruption and intimidation, but it is that rational, manly feeling of the people, that knows how to draw a just distinction between the sober correction of proved abuses, and the constant tampering with the institutions of the country—it is the resolution not to live in a constant state of political agitation, not to be made the tools of those who are dissatisfied with the result of their own measures, eliciting different expressions of opinion from their own supporters—these are the circumstances, since you apply to me for information, which have caused this change in public opinion, and which have made the majority of 150 dwindle down to an uncertain one of thirty or forty. I feel confident, not permitting the hon. gentleman to put his construction on the reasons on which rests that confidence—I feel confident, notwithstanding the menaces of the hon. gentleman, that we may trust to the sound deliberate judgment of the people of England to assist the most powerful minority which now sits ranged on the benches behind me, in resisting the further progress of democratic change,—not the progress of rational, well considered, improvement, but the progress of democratic change, which is avowed as having for its object the altering the ratio of political power, and enabling one class of political opinions to acquire an overwhelming predominance. Was there ever such a reason given for change? "We find (says the hon. gentleman, the member for Finsbury,) we have failed; the constituent body has deserted us; we fear, that another election or two will render that desertion complete; and, therefore, we call upon you, in order to recover and maintain our predominance, to cut and carve the constituent body to answer our purposes." I, for one, after the changes which were effected in the principle of representation in 1832, will not give my consent to any further change of the kind; but I feel perfectly satisfied, that if I were to give the hon. mover a *carte blanche* to cut and carve the constituency as he pleased, my confidence in the good sense of the people of England is such, that, with whatever constituency he may form, he would still be in a minority. They may widen the constituency, or shorten it—they may increase it as they please, but they will never be able to modify it so as to render it more in unison with their opinions. This is my opinion. I may be right, or I may be wrong; but, be that as it may, I am not prepared again to incur all those evils which must inevitably arise from the constant agitation of constitutional principles. I shall, therefore, feel it to be absolutely necessary to oppose the proposition of the hon. gentleman opposite; and whenever any particular measure may be brought forward, whether of ballot or for the extension of the suffrage, I shall be prepared to discuss it in detail, and assign my reasons for not acquiescing in it. I entertain a perfect confidence, a confidence increased by the declaration of the noble lord, that reason will prevail, and, particularly with the experience of the last election in my recollection—that the institutions

of the country are perfectly safe in the hands of the intelligent and enlightened people of this country, in whose hearts they are rooted, not more on account of their venerable antiquity, than their intrinsic merit.

Address agreed to.

## CONTROVERTED ELECTIONS.

NOVEMBER 27, 1837.

In the debate on the second reading of the Controverted Elections Bill,—

SIR ROBERT PEEL said, that the question was not whether they would consent to any improvement of the present system by which election committees were constituted; the question was not whether they would consent to the principle of this bill; but the simple question was, whether on that day the House of Commons was sufficiently prepared, by mature deliberation on the subject, to affirm the important principle involved in the bill. Were they, he would ask, a new parliament, with 150 new members, to be called upon, a few days after the opening of parliament, and only two days after the printing of the bill, to enter into the consideration of that bill, and the very important question to which it related? Of the 150 new members, he would venture to say, that not one had yet had an opportunity of considering—nay, even of reading the bill through. Why, the bill was printed only on Saturday, and probably many members did not get their copy until that (Monday) morning. He owned he had not read the bill, until he came down to the House that evening. How many of the 150 new members had read it? But he would not ask the question, for the bill was so full of blunders, that even if it had been read, it was exceedingly difficult to be understood. He would take, as an instance, the proviso to the 16th clause of the bill. It was there stated that, “if after reading the order of the day for taking any such petition into consideration, it shall be found that there are not 100 members present, or that the number of thirty-three members, not set aside or excused, cannot be completed, it shall and may be lawful for the House, if they think fit, to direct that the order shall be adjourned for any number of days,” &c. Now, what had they to do with the thirty-three members? [Mr. C. Buller: That is a blunder in the bill.] Clearly so; but there were other parts of it equally confused. Here then, was a bill printed on Saturday, delivered on Monday, which was perfectly unintelligible, on account of the great hurry with which it was printed, which was admitted to be unintelligible by its mover (Mr. C. Buller), as far as the number thirty-three is concerned. Let it be so; but under these circumstances, they were called upon to affirm the principle of the bill. Whatever they might do in this respect, let it be done after mature deliberation. They might depend upon it, that a contrary system would not be satisfactory to the people; and if the people entertained the impression that they had adopted this plan lightly, and without mature consideration, the consequences would be, that they would view it in the same light in which they were supposed to view the present system; and if they found that with this bill, which was admitted to be incorrect, which had been printed only two days, and with 150 new members in the House, they dared to affirm summarily the principle on the second reading, he would venture to affirm that the people would be disposed to view the future decisions of election committees with little confidence, and still less would they have confidence in the fitness of that House to legislate on the subject. But the real question—a question which had not been referred to—was this, did they mean to apply the new tribunal to existing election petitions? This was the real question which was involved in this measure. He found the following sentence introduced into the face of the bill, and he should like to know whether it was another blunder? It was this:—“And be it enacted, that this act shall commence and take effect from and after the last day of the present Session of Parliament.” Here was a distinct manifestation of the intention of the author of the bill, that the bill should not take effect until after the present election committees should be disposed of. If this were the case, where was the necessity of such precipitation? If it were really intended that all existing election committees should be appointed under the existing laws, unless for some extraordinary

and special contingency, in respect of which the noble lord opposite had reserved himself—if it were intended, that all election petitions now pending should be tried by pre-existing tribunals, where was the necessity of calling upon the House of Commons to assert that the present mode was so inconvenient that they must affirm the principle of a new tribunal within two days after the bill had been printed and put into their hands? If, indeed, it was intended to supersede the existing tribunals, and to refer election petitions to some tribunal to be constituted—if that were the case, he could understand the reason for this precipitation and haste: but that motive was distinctly disclaimed by the mover of the bill, and believing that disclaimer to be sincere, he called upon the House to ask for some little time before they committed themselves to the principle of this measure. He gave credit to the hon. mover of the bill for good intentions; he believed, that the hon. gentleman sincerely meant what the last clause of the bill contained, viz., that the bill should not take effect until after the present session of parliament, and that it should not, with respect to existing petitions, supersede the existing tribunals; but he begged to remind that hon. gentleman, that if a majority of the House were so inclined, there was nothing so easy as, in passing through committee on the bill, to strike out the two lines at the end of it, and thus leave the election petitions to be tried by the tribunals constituted by the present bill, and thereby to give it an *ex post facto* operation. They would, doubtless, have the assistance of the hon. mover of the bill in resisting such a proposition—a proposition fraught, as he considered it, with the grossest injustice. They might depend upon it, that whatever objections there might be to the existing tribunals, yet if the country understood that that House of Commons meant to postpone what had hitherto been considered their first and most positive duty on the assembling of a new parliament, namely, to determine who of the sitting members were duly elected, and who of the sitting members retained their seats against the intention of the law in that House, the country would not approve of the House of Commons in thus giving the act of parliament an *ex post facto* operation. The main question, therefore, was, whether or not the new tribunal was, in point of fact, to supersede the existing law, and to have the election petitions referred to it? On Wednesday, the 6th of December, the noble lord opposite promised to deliver an opinion decisively upon this point. The noble lord had given notice, that on Wednesday, the 6th of December, he would name the day in February, on which he would propose to take into consideration the election petitions. He admitted, that the noble lord reserved himself in certain cases, neither the magnitude or occurrence of which he could foresee. They would know the opinion of government on the 6th of December, and he, for one, would not consent to the second reading of this bill until that declaration was made on the part of government. Upon these two grounds, he was in favour of postponing the consideration of this bill, until the noble lord declared what course the government proposed to pursue with respect to the election petitions, and also on the grounds, that the bill required some additional consideration beyond the mere Sabbath-day. If he wanted any other reason, the speech of the hon. and learned member for Dublin was, he thought, decisive against proceeding with the bill. The noble lord opposite said, that the hon. and learned member for Dublin had cut away from his noble friend (Lord Stanley) the whole ground upon which he objected to this bill. As far as the hon. and learned member for Dublin was personally concerned, as far as concerned his personal wishes and feelings in the matter, there could be no doubt but that that hon. and learned member, greatly to his surprise, did waive his personal wishes and feelings; but, as far as the arguments and reasoning of the hon. and learned member were concerned, they remained with undiminished force. That hon. and learned gentleman had told the House, that he intended to bring under discussion the great question whether the persons directly interested, and who were, in fact, the parties, should be the judges or not? The hon. and learned gentleman said, that it was a scandalous thing that summonses should be issued to procure attendance in that House, that it tended to degrade them in the public estimation, that it lowered the character of individual members of the House, and that in their collective capacity the object was for party purposes to insure a large attendance. Now, if this objection had any weight, it would apply with just as much force to the present bill as to the existing law. The hon. and learned member for Dublin said, that the present system induced political parties to attend in order that the benches might be well

filled when the names were drawn from the balloting box. If the hon. and learned member felt the force of this objection, he ought to resist the second reading of this bill, unless, indeed, he was making his consent to the second reading of the bill a mere matter of form. If they consented to the second reading of the bill, it would imply that the House of Commons ought to retain the jurisdiction in election matters in their own hands. Now he would not hesitate to say, that if he thought that the House of Commons deserved the character which he had heard given to it by those who were the most anxious for a reform, he should have desired that the jurisdiction might be transferred from the House of Commons, and he would have concurred in the principle laid down by the hon. and learned member for Dublin. If the members of that House were so influenced by party feeling, that they were not fit to decide, questions that arose upon election committees under the tribunals as they were at present constituted, they surely would not be fit to decide them under the tribunal proposed by the hon. and learned member for Liskeard. That hon. and learned member said, that this was a bit by bit reform, that he was proceeding very gradually, that he wanted to have as little reform as possible. The hon. and learned member for Dublin, on the other hand, denied that the House of Commons was a fit tribunal, or of a character sufficiently impartial to fit it for the consideration of these questions, and therefore he wished to have them transferred to another tribunal. He was surprised, after the position thus laid down by the hon. and learned member for Dublin, respecting the character of the House of Commons, and the inferences thus drawn by him, that he should consent to the second reading of this bill. The objections which applied to the existing tribunals would apply equally to the tribunals constituted by the present bill. He, for one, would not go quite the length of some hon. gentlemen as to the great danger of parting with the constitutional right of deciding upon election petitions. If they could get an impartial tribunal of five or seven persons, not directly interested in the election petitions, he was convinced that the House of Commons would lose nothing by the transference of the power of deciding in such cases to a body so constituted. The great difficulty was, as to the mode of selection. It must be admitted that they must be selected by some body. If it were left to the government, it would be open to strong objections, the great objection being the difficulty of constituting an impartial and a satisfactory tribunal. To the appointment of assessors by the Speaker he would decidedly object. He could not conceive any proposition tending more to destroy the impartial character of the chair. The Speaker of the House of Commons, whose election for his new duty would doubtless depend upon party, would, on the first meeting of parliament, have to propose to the House the names of three members, with a salary of £2,000, and these persons were to act in respect of political matters of the utmost importance to parties. He was afraid that it would be impossible for any Speaker, with the best intentions, to make a selection which would be satisfactory to all parties. It would be placing a Speaker of a new parliament in a most unpleasant situation. There would, in the election of a speaker, be either a complete acquiescence or a contest. If there was a contest, what a situation would it place the Speaker in? It could not be expected that the government, who selected the Speaker, would not labour under the impression that they were bound to support the nominations of their own Speaker. It might be easily foreseen that it was probable that a government might say to itself "These men bear a most excellent character, the Speaker has named them as men eminently qualified for the office, and it will be degrading to them unless we support their nomination." The other party would say, "That may be all right; but we should have the appointment, if not of two out of the three, at least of one of them." Would this be a fit situation to place the Speaker in? Was it proper that on taking the chair on the first meeting of parliament he was to have the nomination of parties possessing a character the most important, not merely as respected political, but party questions? He could not affirm this principle of the bill. It appeared to him to be a very grave question, and he would much rather not give his opinion decisively upon these points. He would also much rather reserve to himself a fair opportunity for a full consideration relative to his views of the challenges proposed to be allowed. It was possible that the right of challenge, where five challenges were made, would be to insure the knocking out the brains of the committee. Now he was not sure that it would not lead to a directly opposite result. Opposing parties, on hearing a



certain number of names called, might be in doubt whether or not they should exhaust their challenges by objecting to the names called, or whether they should not wait for a better challenge. This would at once be the introduction of the element of chance into the new tribunal. The objection to the present system was, that it was influenced by party motives, and that the members were selected by chance; but it was evident that the same objection applied to the new tribunal. Parties would, as they did now, assemble in great strength on each side, and chance would determine the tribunal as it did now; and he was not at all certain whether it would give a greater degree of satisfaction. It appeared to him that chance would exercise as much influence over the new tribunal as over the old. He would be very sorry, however, to give a decisive opinion upon this point. He should wish to satisfy himself on these points. He had never read the bill till he came into the House. The noble lord opposite (Lord John Russell) said, that the bill had passed through the second reading last session. Was that quite fair? He admitted that it did pass the second reading, but it was distinctly understood that the bill should not pass into a law. [No, no!] He was sure that was the general impression. ["No, no!" from Lord Howick.] He thought that an objection was taken by the Attorney-general to proceeding further with the bill. ["No!" from the Attorney-general.] He could not refer to the speech of the hon. and learned gentleman—he trusted to memory, and that was his impression. If, then, there was a general feeling on the part of the House that the present tribunal was so unsatisfactory that it required amendment, but that those amendments should be applied after mature consideration—if the hon. and learned member for Liskeard really desired that they should not look upon this question as a party measure, but that it should be gravely and deliberately discussed; above all, if hon. gentlemen wished that this question should receive a calm consideration, if they wished maturely to consider the transferring of their power, as far as their jurisdiction was concerned, to somebody impartially selected, with the consent of the House of Commons, he hoped they would all concur in deferring the second reading of this bill. He asked the hon. and learned member for Liskeard, himself, to postpone the bill until the House had an opportunity of giving it further consideration. Above all, he hoped those members of the House of Commons who were now called upon to exercise their functions for the first time, would refuse to pledge themselves to affirm the principle of this bill on that night, and that, on the contrary, they would support the proposition of his noble friend, which was, not that the present system should not be amended, not that the bill should be rejected, but merely that there should be a delay of two months interposed, in order that, public attention having been drawn to the subject during the recess, old members and new members might be enabled to apply themselves to the subject with more caution and deliberation, thus affording a better prospect of their arriving at a conclusion, upon principles satisfactory to themselves and the country.

The bill was read a second time.

DECEMBER 6, 1837.

Lord John Russell gave notice of the days when the various election petitions before the House would be considered, and moved, "That the petition on the election for the county of Roxburgh be taken into consideration on Tuesday the 6th of February."

SIR ROBERT PEELE rejoiced at the course which the noble lord had taken, and which entirely precluded the necessity for his making the motion of which he had given notice, in the event that the noble lord's motion had not been made. He rejoiced, because he thought that the noble lord had strictly adhered to the uniform course pursued in respect to election petitions, and had thus asserted the undoubted principle, that it was the first duty of parliament to determine who were the representatives of the people. By the course now adopted by the noble lord, it was declared to the country that the House would proceed, immediately after the recess, to try the election petitions before the known constitutional authority of parliament, and therefore all parties concerned in them would hold themselves in readiness to give their attendance, and do all that might be required of them in respect of them at that time. The 6th of February was the day named for the first petition, and

the rest on the list must shortly follow in their order, at which time the parties to them must be aware that they would be required to have their witnesses in attendance, to submit their cases before the known tribunal appointed to decide upon them. He knew enough of the noble lord to feel assured that he would not depart, on the present occasion, from the accustomed course of parliament in these matters. The number of election petitions in 1831 was fifty-seven, and in the present year they were sixty-seven in number; and the noble lord had justly stated, that in the relative numerical proportion of these petitions there was no ground to impeach the *bonâ fide* origin and intention of the latter. With respect to the parties from whom these petitions emanated, he believed that, of the sixty-seven hitherto presented, twenty-seven or twenty-eight came from parties on his side of the House, and thirty-six from parties interested in the opposite side of the question, which, with the fortunate intervention of three from neutral parties, completed the number. The noble lord had stated that there was no appearance upon the face of the petitions themselves of their having been concerted by any combination of parties for sinister purposes. He had looked into the petitions emanating from parties on his side of the House, and, as far as they were concerned, he could fully bear testimony to the truth of the noble lord's observations; but if the noble lord were to look into those proceeding from his own side, he thought the noble lord might possibly find some grounds to shake his confidence in this matter. The number of petitions naturally bore some relation to the number of contests, and where these contests were nearly balanced, more petitions might be expected than when the elections were carried by more numerous majorities; and he believed that in the late election there had been more contests, and the returns obtained by smaller majorities, than usually was the case. He heartily rejoiced, therefore, that the contingency which had been impending over their heads, and which was the more awful, because it had been kept in complete obscurity, had not fallen upon them. He certainly did regret that the noble lord, as leader of the House of Commons, could ever have supposed that there would have been sufficient grounds to suspend the ordinary course of parliament in respect of these petitions. Now, whether there were sixty-seven petitions or one hundred and fifty petitions, provided they had not proceeded from improper motives, the House should not, he thought, be prevented from pursuing the proper and ordinary course in respect to them; and nothing should be said or done to deter parties from coming before that House with a sincere desire of seeking redress of supposed grievances. For his part, he had never seen the declaration which so much alarmed the noble lord, that it was the intention of certain parties to question the elections of Ireland on the mere ground that the parties returned differed from the majority of the English representatives. He could only add, that this would have been a most preposterous and unjust ground of opposition; and he could hardly believe it had ever been seriously entertained by any rational man. With respect to the other ground for alarm stated by the noble lord, he certainly had seen statements calculated to excite an alarm that some of these petitions were presented with a view to prevent certain members from taking part in the decision upon election petitions. Of course the noble lord referred to the correspondence which had recently taken place between two persons, calling themselves "An Elector," and a "Non-electer," in *The Morning Chronicle*. It was, doubtless, this correspondence, which excited the noble lord's apprehensions of the fatal result of "a cluster of petitions," to use the noble lord's expression; and the declaration upon which the noble lord had built his well-founded alarm was viewed with the more apprehension, and accepted the more implicitly, because it proceeded from an organ which advocated the noble lord's own politics. As to the other declaration, he had never seen it; and he heartily rejoiced in the hope that the apprehension of it was ill founded. He regretted, however, that the noble lord had suffered himself to be disturbed by vain apprehensions of this kind, and to be induced even to hold out a threat that he would suffer himself to depart from the ordinary course of parliament in respect to its privileges, and to delay to bring on the consideration of its disputed seats beyond the usual period named for so doing. He hoped the result would operate as a caution to the noble lord not to give faith to vague communications in newspapers; and that he would not again throw impediments or objections in the way of *bonâ fide* petitioners to the House of Commons. There

was one subject in connection with this topic to which he wished to advert before he sat down. He referred to the bill brought in by the hon. member for Liskeard relating to the trial of controverted elections, and which had now passed its second reading. He hoped that the course this evening pursued by the noble lord in reference to these election petitions might be understood as a promise that they would not proceed hastily with that bill. Why, if the present mode of trying election petitions was considered so far satisfactory that the election petitions now before the House were to be tried by it, he could see no occasion for bringing on that bill. He believed that it was understood that no business of importance would be done after the present week until they re-assembled after the recess. So general, he thought, was this understanding, that the hon. member for Bridport positively refused to defer his motion respecting the Danish claims to any day after Friday, so impressed was he with the notion that immediately after that day there would be a general flood of members out of town. If this were the case, the hon. member for Liskeard could not hope to obtain that attention to his bill which the subject of it demanded, and, therefore he hoped that the hon. gentleman would consent to defer the future stages of it till after the recess. If, however, the hon. and learned gentleman did not think proper to accede to this suggestion, he would give notice that he would, on Friday next, without at all entering upon the merits of the bill, but merely because the House would not after that day be in a state to do it justice, move that it be postponed till an early day after the recess, and divide the House on his motion.

Motion agreed to.

## IRISH ELECTION PETITIONS.

DECEMBER 7, 1837.

Mr. Smith O'Brien moved, "That a Select Committee be appointed to inquire into the allegations contained in the petitions presented by William Smith O'Brien, complaining of the subscriptions which had been raised to encourage the prosecution of petitions against Irish members, and of the conduct of a member of that House in having contributed to such subscriptions."

SIR ROBERT PEEL said, that he felt particularly called upon to offer a few observations to the House, in consequence of the direct appeal made to him by the hon. member on a subject so much adverted to by him; namely, a new tribunal for the trying election petitions. The hon. member asked him why he urged objections to the improvement of the existing tribunal of that House for the determination of contested elections? He denied that he was opposed to any such improvement. For his own part he was quite willing to take into his consideration any measure for the improvement of the tribunal. He objected to the proposal made that when they had a tribunal constituted by parliament, that was found existing at the beginning of a new parliament, they should at once proceed to set it aside and form another. He objected on various grounds to the postponement of the consideration of the petitions until that House and the House of Lords had agreed to the bill of the hon. member for Liskeard, or to some other bill, for the purpose of improving the tribunal. He objected on these grounds,—in the first place, that it was the particular duty of that House to decide who were the legitimate representatives of the people, and nothing could be so unjust as to postpone the determination of this important matter until they had agreed as to the tribunal which should be substituted for the present one. Secondly, he objected to the proposition because it would furnish a most dangerous precedent in a new parliament for a majority to force a decision on a minority as to what should be the nature of the new tribunal by which the great question which he had just referred to should be decided. The hon. and learned member for Dublin had taunted him with an unwillingness to recede from the present system by which the decision of a contested election petition was left to a committee of the House. He, in reply, would ask, who had dwelt on the impropriety of leaving the jurisdiction of this subject in the House of Commons? who had said that it was most unfit and unbecoming to assemble in great numbers when the tribunals were to be appointed?

who had said that, being connected with party, they would act as party men? and who withdrew a bill he wished to introduce, having for its object the transferring the jurisdiction to an entirely new tribunal, and voted for a bill of a very different nature? The only bill which was now before the House, proposed to leave the jurisdiction in the House of Commons as it at present was, the persons on the tribunal to be determined by ballot; if then, this bill passed, there would be the same attendance at the ballot as there was at present. There would be the same attention to the canvass which the hon. and learned gentleman so much condemned, and to any party object to which the present system was liable. He found, also, that the bill which had been adopted by the hon. and learned gentleman contained proposals which were directly at variance with the recommendations of the committee. The noble lord had also said that he so much disapproved of the bill, that he had some important alterations to propose in various parts of it. He (Sir Robert Peel) objected, however, that at the beginning of the new parliament they should not have time to give such an important subject due consideration, if it were to be immediately adopted, and which, if hastily proceeded with, would most probably be liable to the strongest objections. Another great objection of his was, the referring the sixty-seven election petitions to a new and untried tribunal. He would say, improve the election tribunal after this session; divest it as much as possible of any suspicion of being influenced by party feeling. By this means, and after ample consideration, a satisfactory measure might be framed, which should be gradually brought into operation by referring to it the petitions for contested elections that might arise during the continuance of the parliament, and, if they found defects in the working of the measure, they would at once make such alterations in the new tribunal as might be deemed necessary; but if they passed a measure at once, and determined that the sixty-seven petitions should be referred to it, they would then provoke complaints, and if any inconvenience should arise, they could not apply a remedy if they did not again postpone the consideration of the election petitions until that House and the House of Lords could agree to another tribunal. He begged that it might not be supposed that he objected to any change in the constitution of the tribunal which was likely to be an improvement: it was as much the interest of that, as of the opposite side, to adopt an improvement which was calculated to insure the impartiality of the tribunal. He might be asked, if there was nothing of party feeling in the present tribunal; and he would ask, in reply, if that were the case, what advantage could the minority possibly have over the majority? He was, however, willing to adopt a new tribunal, after due consideration, which should not be liable to the objection of being an *ex post facto* law. If, at a proper time, a measure having that object in view were introduced, he would apply his mind to the details of it with a view to its adoption. An analogy had been drawn between this subject and a change in the law respecting jurors; but the analogy did not hold good. There could not, he thought, be any doubt, that persons of all parties would willingly lend themselves to the improvement of the jury laws. With reference, however, to the proposed bill, the first thing that must be done was for the majority to elect an assessor, by whose legal opinion the decision of the tribunal would rest on many points. The person proposed might, in the first instance, be defeated by a party, and would not that excite objections and suspicions against the tribunal; and he begged the House to recollect that it had been called together at an unusually early period, and before Christmas, to consider, to use the old terms, *de quibusdam arduis rebus de statu et ecclesia Angliæ consultandum*. With respect to the motion before the House, the author of it apparently shrunk from the charge of it, although last night they were assured that it should be submitted to its attention; but nothing prevented their immediate decision on the subject but the ill-timed and inconsiderate proposition of the hon. member for Southwark. That hon. member stated that on one occasion his return was sent to the decision of a committee on which he had only one friend, and he (Sir R. Peel) had thought that on that occasion the hon. member would not have met with a single supporter. The proposition of the hon. member had no immediate connection with his own proposal. In justice to his own proposal the hon. gentleman ought to give a distinct notice upon the subject; he ought, too, to press for a decision upon the main question, for otherwise he must think that his own proposal could only lead to a further waste of time. This he ought to do, if he believed that the present question was brought

forward in the mere spirit of party warfare, and if he really believed, as he (Sir R. Peel) had no doubt he did so believe, that it was an ungenerous motion directed against the hon. baronet, the member for North Wilts. Then the hon. member must see that there was a triple ground for his taking that course which was now suggested to him—first, for the purpose of marking his dissatisfaction with what he must regard as a useless consumption of the public time; next, for the purpose of discouraging the attempt to draw away their attention to party politics; and, thirdly, for the purpose of recording his disapproval of an ungenerous attack upon a member of that House. Upon all these accounts that hon. member ought to be prepared to divide upon the main question. Let there not be any pretext afforded for withdrawing from a decision upon the question; for after the amendment had been negatived, and the main proposition put, as far as he was concerned, there should be no previous question—there should be no appeal to the order of the day. The simple and the intelligible ground of the motion was, that an unwise and an unjust act had been done, and that he proposed to meet with a positive and direct negative. As the hon. member for Monmouth had proposed five or six cumbersome resolutions, entering into details, and involving what might be partly truth, it might on that account have been difficult to have met them with a distinct negative, and the previous question then could have been resorted to; but when the question was, whether or not a committee should, upon a simple statement of facts, be appointed—and let it be remembered that if not appointed that night, it could not be appointed for many weeks following—when such was the proposition, there was no pretence for taking any other course than that of saying “aye,” or “no,” to the appointment of the committee. He intended to say “no;” and this, therefore, was the course which he meant to pursue. If the hon. gentleman, the member for Southwark, persisted in moving his amendment, the question put from the chair would be, that “the words proposed to be left out stand part of the question; then, in that case, he must have the infinite satisfaction of voting with the hon. member, the mover of the proposition, and of course with the noble lord. The hon. gentleman must be anxious to come to the decision upon his own proposition. He must think that any impediment that should be thrown in his way to attain that desirable end must be exceedingly disagreeable, if not unfair; and of course the hon. gentleman must move that his words stand part of the question. If, then, that were carried in the affirmative, and he thought he could promise the hon. gentleman that they on that side of the House would aid him in carrying it so far, then they would come to decide upon the main question, whether the committee ought to be appointed? As he had said before, he should meet that proposition with a direct and unqualified negative. Either the proceeding which had been so much adverted to that night was an illegal and an unconstitutional proceeding, or it was one permitted by law. If the noble lord thought that it was of doubtful legality, and yet dangerous, he had the remedy within his hands; it was not even necessary for him to have recourse to the Attorney-general on the subject; but the noble lord could bring in a declaratory bill. If it were unconstitutional and a breach of the privileges of that House, why did not hon. gentlemen meet it with a direct resolution? But, if hon. gentlemen opposite felt this transaction to be one which they considered to be imprudent and unwise, and yet which they felt to be tolerated by law, then he had to protest against the course of proceeding which they seemed determined upon adopting. Hon. gentlemen said that the argument which had been used in this debate was a *tu quoque* argument—of course it was. His hon. and learned friend, in his admirable speech, had showed that not only was it a transaction tolerated by all parties at all times, but that those opposite had sanctioned and practised it the most. On the opposite side they said *tu quoque*, but he replied to them, *tu quoque, tu prior, tu quasi*. They had taught, and they had practised, and they now complained. Oh! but his noble friend brought forward the Dorchester case. Now, if he had brought forward that case at the time—if he had read the names of the contributors, and the fanciful designations they assumed—what a miserable waste of time it would have been thought! And this would be the result if the House of Commons condemned an act without the power of enforcing the condemnation—that not only would the parties escape punishment, but the House of Commons would render itself contemptible; because this would be practical tyranny, that a majority, not daring to amend an old or enforce a new law,

and unable to pronounce a certain action a breach of privilege, would still attempt, by a vote of a majority, to degrade those who did it. Let them once take that course, and they would find such an arbitrary exercise of power would provoke opposition, and induce men to glory in that which they denounced, and persons would challenge them to exercise their power by enforcing the very principles which they condemned. There was nothing that he should lament more than this: and this he must say, that if he found the act of a mere majority of that House was to be at any one time substituted for the vengeance of the law, then there was no measure that he would not have recourse to, to resist that illegal exercise of power, and he should defy the House of Commons. They had avoided as yet any act of that kind; but he feared from the tone that had been assumed in the course of the debate, and the attacks made on the contributors, that some course like that he apprehended might be attempted, while, in the end, they did not appear to be in a hurry to get the committee. The hon. gentleman (Mr. S. O'Brien) appeared to have brought forward a very extraordinary proposition. He considered that he had a right, as an individual, to complain upon this subject; he said that it was intended to displace Roman Catholic members; and yet that hon. member himself, who was the only petitioner against the subscriptions, happened to be a Protestant. If he was not right in this statement the hon. gentleman could correct him. Now, he said, notwithstanding the attack that had been made upon the hon. baronet, he had derived nothing but credit—nothing but credit—nothing, he repeated it, but credit, from the manly course of his proceeding. Hon. gentlemen opposite had taunted the hon. baronet with inconsistency; could that inconsistency proceed from any dishonourable or dishonest cause? What reward could the hon. baronet hope for? The position of the hon. baronet enabled him to look down upon the imputation of unworthy motives. He did not admit of the charge of inconsistency as being applicable to the hon. baronet. He had long been opposed to the hon. baronet; but the position of the hon. baronet at that moment was that of many other individuals of the highest character, respectability, and intelligence, in this country. The hon. baronet had struggled for Parliamentary Reform—he had assailed in violent language the usurpation of the Peers and the boroughmongering system; but he had never heard of the hon. baronet, even at the most inflamed periods of party politics—he never heard of him saying that, when reform was granted, that he wanted to see the privileges of the monarchy, or of the House of Peers, in the slightest degree invaded. The hon. baronet's had been a perfectly honest and consistent course; he it was who mainly by his efforts had substituted for the former representation that which now prevailed. It was perfectly consistent in the hon. baronet, when he had attained that which he had sought for, that he should rest satisfied, and that when an encroachment was made upon other constituent bodies of the legislature, he, having the acuteness to perceive, had the manliness to face, the attacks that might be made upon him, when he stood up to oppose the attacks that might be made upon the privileges of the monarchy and the peerage. The hon. baronet did struggle for Roman Catholic Emancipation, as it was called. He was amongst the most powerful and the most successful advocates of that measure. The Roman Catholics of Ireland entertained a different opinion of the hon. baronet from that which the hon. and learned gentleman, the member for Dublin, now expressed, when upon two occasions they intrusted the hon. baronet with the office of bringing forward the Roman Catholic petitions; and when he read those expressions of gratitude for the hon. baronet's services which had flowed from the Roman Catholics of Ireland, he scarcely expected that one of the chief amongst the Roman Catholics of Ireland would denounce the hon. baronet, not only for the present opinions which he entertained, but on account of his past political conduct, asserting that in his youth and throughout his manhood he had done no good whatever to the popular cause, the cause of which the hon. and learned gentleman was so strenuous an advocate. They knew that the hon. baronet had contended for the complete relief of the Roman Catholics from their disabilities, and the annihilation of all distinctions on account of differences in religion; but they never yet had heard the hon. baronet maintain it as a necessary consequence of the removal of the Roman Catholic disabilities, that the securities of the Protestant Church should be endangered. And again, having succeeded in removing these disabilities, and placing the Roman Catholics on a footing of perfect equality, so far from being inconsistent it was real

consistency; it was real conformity with every principle which the hon. baronet had ever avowed, to say, "Now those disabilities are removed, I shall not, if I can prevent it, endanger the security of the Protestant institutions." And here again, seeing the injustice and the danger, and having the manliness to perceive it, the hon. baronet said, he would stand there, as he had done, with respect to the peerage and the Crown; he would stand his ground there in defence of the Protestant establishments of the country.

On a division the numbers were—Ayes, 121; Noes, 331; majority, 210.

## PENSIONS ON THE CIVIL LIST.

DECEMBER 8, 1837.

The Chancellor of the Exchequer moved, for "A Select Committee, to inquire how far pensions granted in virtue of 1 William IV., c. 24, charged on the Civil List, and in virtue of 2 and 3 William IV., c. 116, charged on the Consolidated Fund, ought to be continued, having due regard to the just rights of the parties, and to economy in the public expenditure."

SIR ROBERT PEEL: Sir, if this proposal of the right hon. gentleman, the Chancellor of the Exchequer, involved merely some consideration of temporary policy or expediency, I might have felt myself at liberty to advert to some of the considerations to which he has referred for the purpose of enabling me to decide upon the course which I should pursue. I might possibly have occupied myself, as he has done, in ransacking the past votes of members upon this side of the House—I might have referred to pledges given to constituents; I might have contented myself with a vehement protest and violent declamation against the proposed inquiry; and, having done so, I might have imitated the recent example of others, and tried to evade a vote upon this question. But, if the proposal does not merely involve considerations of prudence and policy—if it violates, as I will show it does violate, the principles of equity and justice—then I care not how the votes of my friends may have been given upon former occasions; I care not whether this be a favourable opportunity for bringing, or not, parties into collision; I am determined, in satisfaction of my own feelings, and in vindication of the eternal interests of justice, by my vote, at least, upon the division, of which the right hon. gentleman shall not be disappointed, whatever bearing it may have upon party interests, to shew the sincerity of my own conviction. It is said the pension list is unpopular; that it will be a popular measure to consent to its revision. Yes; but if that revision be unjust, the popularity of it is no argument in its favour. It is, no doubt, prudent, it is right, in respect to measures involving merely considerations of expediency, I will not say, to defer, servilely, to popular feeling, but to permit it to enter largely into the elements of your decision. A measure may be abstractedly wise, and highly beneficial in its ultimate results; but if the public mind be not ripe for its reception, if it be revolting to the feelings, the prejudices, the passions, of the present generation, there may be more evil in provoking opposition and in disturbing public harmony, than in abandoning or postponing a wise but unpalatable measure. Even the interests of the measure itself may require its temporary abandonment. But this is not true where justice is concerned. Resistance to a measure which inflicts wrong may be very unpopular; but, on that very account, the duty of resistance may be the more imperative. Then is injustice the most dangerous, when its deformity is covered under the veil of plausible pretences of economy, or recommended by the supposed sanction of the public voice, or when it is called for by the vindictiveness of party feeling, disguising itself under the semblance of superior purity. It is because I am deeply impressed with these truths, that I shall proceed to consider the proposal now made under two aspects. First, as it would present itself, independently of the transactions of 1831; that is, independently of all that occurred on the settlement of the civil list of King William. Secondly, as it does actually present itself, changed in its features and colours, by the events of 1831.

Let us place ourselves, then, in the position in which parliament and the government stood, in 1831. We find that the invariable preceding usage had been, on the

accession of a sovereign, to respect the grants of his predecessors. There is not a solitary instance, since William III. succeeded to King James, in which the pensions granted by one king have been discontinued by his successor. We wish to establish new regulations in regard to the grant of pensions, to confine the future grant to the reward of acknowledged merit, to exclude the operation of mere personal partialities and favour, to make all future pensions liable, on the demise of the Crown, to revision; and, if we think fit, to discontinuance. Nothing can be more unquestionable than our right to do so. But what course shall we take with respect to pensions actually existing? to the pensions granted in conformity with the uniform preceding usage, and on the presumption of the continuance of that usage, believed by the grantor and the grantee to be renewable on a fresh accession? We may doubt the policy of such grants in some instances; we may think there has been, occasionally, too lavish a distribution of royal favour; but if it have not exceeded the bounds prescribed by parliament, are we called upon, by justice or policy, to apply a new rule of retrospective severity? What is the probable profit we shall derive from it? [Cheers.] Oh! do not suppose I give your sordid construction to the word profit! I do not mean the mere lucre—the amount in pounds, shillings, and pence, that a great nation can screw out of a few pensioners. I take profit in its comprehensive sense. I include, in my meaning of national profit, abuses detected, corruption brought to light, prodigality checked;—I include, all the influences of exposure, of punishment, of example.

But what is your prospect of profit, of combined profit, pecuniary and moral? Let us take the English pension list as it stood in 1830, on the demise of George IV. Upon that list there are 383 pensions. Out of that number there are only fifty-eight which have been granted by any minister now surviving. Nineteen of these were granted by Lord Sidmouth, more than thirty-three years since. Out of the total number of 383 pensions, there are only thirty-nine granted within the last thirty years, of which the ministers who granted them are living to give an account. The pensions granted for considerations of charity, you will probably not seek to disturb; those granted as the reward of acknowledged service, will probably be respected; those of a very remote date,—those, in respect to the motives for granting which no responsible minister can be summoned to answer, can hardly be withdrawn in the absence of all satisfactory evidence, unless there be very strong presumption of corrupt motives for the grant. The report of 1831 expressly states, that many of the pensions, in reliance on their permanence during the lives of the parties, have been made the “subject of family settlements and pecuniary arrangements of various kinds,” which it would be harshness and injustice now to disturb. In respect to pensions granted from mere considerations of charity, the following is the testimony of Lord Althorp, who did not propose the arrangement of 1831 blindly and inconsiderately, but after a minute review of the pension list, and a reference to individual grants upon it. In speaking, on the 4th of February, 1831, when the question was entirely open to the consideration of parliament, when the house was much more at liberty, as I will presently show, than it now is, to enter upon an inquiry into the pension list, when Lord Althorp was as much unfettered as the youngest member of the House of Commons now present, he gave this account of the general circumstances under which pensions had been granted. His Lordship said:—“I shall now proceed to state the grounds which induce me not to take away from their owners any pensions that now exist. It is certainly true, and no man is more ready to admit it than I am, that many of the pensions on that list are such that ought never to have existed: but, on the best examination that I have been enabled to give them, it appears that a large majority of these pensions are purely pensions of charity, and therefore to take them away now, after they have been so long enjoyed, will be to inflict great distress on many individuals. I admit that the House has a legal right.....but I doubt whether it has an equitable right, to discontinue them.”

Adverting, then, to the fact, that a large majority of these pensions were granted from mere charity—that many of them, though the propriety of the original grant might be questioned, have been made, as stated in the report of 1831, the subject of domestic settlements and pecuniary arrangements of long standing—considering that only fifty-eight pensions out of the 383 on the civil list of England have been



granted by any surviving minister—I ask the House, without reference to what passed in 1831, what they can hope to gain in point of economy, from the most rigid scrutiny into the pension list?

You may answer, that economy, that pecuniary gain, is not your object; that you have higher ends in view; that you want to scrutinize the acts of ministers, to trace the motives for the grant of suspected pensions, to expose the grounds on which the public money has been lavishly wasted on unworthy objects. But how many of these ministers survive? Where will you find the evidence by which you can ascertain the grounds on which they advised a particular pension? And do you, who refused to inquire in 1831—do you, who have let seven years, and a whole reign elapse; who have thereby confirmed the impression that you were averse to inquiry; who have, by your own acts, justified the destruction even of such evidence as might have been accessible in 1831—do you think it a just or a decorous course now to arraign the memory of those who are in their grave, and have not the means of justification or defence? From the date of the earliest pension to the accession of King William IV., there have been eleven ministers holding the office of First Lord of the Treasury, and responsible for the grant of pensions. The Duke of Grafton, Lord North, Lord Shelbourne, Mr. Pitt, Lord Sidmouth, Lord Grenville, Mr. Perceval, Lord Liverpool, Mr. Canning, Lord Ripon, and the Duke of Wellington, have successively held this appointment. Three only of the eleven are now surviving; namely, Lord Sidmouth, Lord Ripon, and the Duke of Wellington: Lord Sidmouth is accountable only for pensions granted before the year 1805. I ask, then, what is your prospect that you can now make an effectual inquiry, consistently with the principles of justice, for the purpose of passing judgment upon the acts and the intentions of those ministers of the Crown by whom pensions have been heretofore granted?

Suppose they were all alive, and able, in person, to explain their acts, would it be just to try their conduct by the test of newly assumed principles?—to apply to their conduct a standard of which they were wholly unconscious?—to subject them to a rule to which neither parliament nor public opinion invited them to conform? The right hon. gentleman quotes Mr. Burke, and cites Mr. Burke as an authority for the inquiry he is about to institute. But in the first place, when Mr. Burke delivered his speech on the reform of the civil list in the year 1780, the circumstances were wholly different. The civil list was in debt, the Crown applied to parliament for the discharge of that debt; and thus gave parliament the clear right of investigating every item of expenditure (the pension list included) before it consented to an extraordinary advance of money, for the purpose of relieving the civil list from debts not sanctioned by parliament. In the second place, notwithstanding this altered position of the civil list, which would have prevented Mr. Burke's opinion, had it been in favour of inquiry, from being an authority to which the right hon. gentleman could appeal, Mr. Burke's opinion was directly against inquiry; and, so far from affording a sanction, supplies a striking and peculiar condemnation of the right hon. gentleman's conduct. That opinion is of the more importance, because it indicates the prevailing feeling of the House of Commons of that day; of that part of the House of Commons which was most jealous of the influence of the Crown, and which was demanding measures of practical reform with respect to the civil list expenditure. Surely, the minister who conformed to that opinion, must have thought himself safe from any subsequent impeachment of his acts. Mr. Burke said:—“The King, Sir, has been, by the constitution, appointed sole judge of the merit for which a pension is to be given. We have a right, undoubtedly, to canvass this, as we have to canvass every act of government. But there is a material difference between an office to be reformed and a pension to be taken away for demerit. In the former case, no charge is implied against the holder; in the latter, his character is altered, as well as his lawful emolument affected. The former process is against the thing, the second against the person. The pensioner certainly, if he pleases, has a right to stand on his own defence, to plead his possession, and to bottom his title in the competency of the Crown to give him what he holds. Possessed, and on the defensive as he is, he will not be obliged to prove his special merit in order to justify the act of legal discretion. The very act, he will contend, is a legal presumption, and an implication of his merit. If this be so, (from the natural force of all

legal presumption) he would put us to the difficult proof that he has no merit at all. But other questions would arise in the course of such an inquiry; that is, questions of the merit, when weighed against the proportion of the reward; then the difficulty will be much greater. The difficulty will not, Sir, I am afraid, be much less, if we pass to the person really guilty, in the question of an unmerited pension—the minister himself. I admit, that when called to account for the execution of a trust, he might fairly be obliged to prove the affirmative, and to state the merit for which the pension is given; though, on the pensioner himself, such a process would be hard. If in this examination we proceed methodically, and so as to avoid all suspicion of impartiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come, in either of these ways, may appear the most grossly unmerited of any. But the minister may very possibly show—that he knows nothing of the granting of this pension—that it was prior to his time—to his administration—that the minister who laid it on is dead; and then we are thrown back upon the pensioner himself, and plunged into all our former difficulties. Abuses, and gross ones I doubt not, would appear, and to the correction of which I would readily give my hand; but, when I consider that pensions have not generally been affected by the revolutions of ministry, and as I know not where such inquiries would stop, and as an absence of merit is a negative and loose thing, one might be led to derange the order of families, founded on the probable continuance of their kind of income. I might hurt children: I might injure creditors. I really think it the more prudent course not to follow the letter of the petitions. If we fix this mode of inquiry as a basis, we shall, I fear, end as parliament has often ended under similar circumstances. There will be great delay, much confusion, much inequality in our proceedings. But what presses me most of all is this, that though we should strike off all the unmerited pensions, while the power of the Crown remains unlimited, the very same undeserving persons might afterwards return to the very same list; or if they do not, other persons, meriting as little as they do, might be put upon it to an undefinable amount. This, I think, is the pinch of the grievance. For these reasons, Sir, I am obliged to waive this mode of proceeding as any part of my plan. In a plan of reformation, it would be one of my maxims that, when I know of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary nature, is liable to a very great perversion from those purposes, I would limit the quantity of power that might be so abused."

The security against abuse which Mr. Burke proposed, was the limitation of the power to be abused; that is, the appropriation of a specific sum from which pensions might be granted, and which must on no account be exceeded. He did not seek to define the proper objects of royal favour; he laid down no regulations controlling the distribution of it; and of course, therefore, he left it to be inferred, that the Crown had the discretionary power to grant pensions, not merely for the reward of official service, but for the support of decayed rank, or for the gratification of the private feelings of the sovereign, or for any of the various motives which influence an opulent and liberal nobleman, in private life, in bestowing marks of grace and favour, or rewarding the fidelity and attachment of humble friends. No doubt, if there were abuse,—if the pension fund were prostituted to the purposes of corruption,—the abuse would not be protected from inquiry, on showing sufficient grounds of strong suspicion; nor from punishment, if proof of corruption could be established. But there has been no concealment of the names of those now in the receipt of pensions; every name has been repeatedly published; and yet there has been no allegation of corruption in the grant of pensions; there has been merely the assertion that the ministers of other times did not conform to doctrines, with regard to the favour of the Crown, which they never heard of, and did not anticipate—regulations, in respect to pensions, which were established after their death. What a mockery of justice will it now be, either to deprive the grantee of his pension, or to impeach the grantor for his misconduct!

So much for the considerations which would appear to me to call for the maintenance of all pensions existing previously to the accession of the late King, quite independently of the transactions of 1831. I now approach the discussion of that part of this question which rests upon the transactions of 1831, and my object will

be to show that it is nothing short of absolute and flagrant injustice, after what then took place, now to revise that pension list.

What are the circumstances of the case? George IV. died in 1830. It was necessary, in the course of the year 1830, for the government of the day to propose a new arrangement of the civil list. They did propose it; and, on their responsibility, submitted it to the consideration of parliament. A motion was made, by the opponents of the government, for referring the civil list to a select committee. The government thought it their duty to resist that motion. The motion was, however, carried by a majority of 29; and, in consequence of that majority, the members of the government retired from office. A new government was appointed, owing its accession to power to this very question of the consideration of the civil list by a committee; and, of course, every person was alive as to the course which the new government would pursue. Lord Grey came into office as First Lord of the Treasury, and Lord Althorp as Chancellor of the Exchequer. Lord Althorp moved for a select committee on the civil list, and that select committee made a full and detailed report upon the subject of pensions. That committee was appointed by Lord Althorp, as Chancellor of the Exchequer; was presided over by him as chairman; the report was indited by Lord Althorp, and was assented to by the committee. In the report of the committee, so appointed by the government which succeeded the government of the Duke of Wellington, it is stated, distinctly:—"It is more than probable, therefore, that parties relying on an adherence to an invariable custom, have made family settlements, and pecuniary arrangements of various kinds, with all of which his Majesty must necessarily interfere, should the continuance of these pensions, for the first time, on his accession to the throne be refused. Adverting to all the circumstances of the case,—considering that no material relief to the finances of the country could be derived from the most rigid measures of retrenchment applied to the pension list; that in many cases, severe distress, in some, actual injustice, would arise to individuals from the general discontinuance of pensions; that such discontinuance on the occasion of his Majesty's accession, would be a departure from an usage invariably observed on the accession of his Majesty's predecessor,—your committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the pensions on the civil list of his late Majesty."

How could the right hon. gentleman refer to this report, and assert that it was an authority for the course he is now pursuing? I shall be disappointed, indeed, if I do not convince the House that whatever else the right hon. gentleman may have shown, he has at least manifested a degree of intrepidity which is without parallel. He says, that he finds in the report of the select committee—that select committee which had Lord Althorp at its head—that they contended for the right and equity of revising pensions. Why, no doubt they did, of revising pensions of a certain and particular description; but, if this report means anything, it means this,—that with respect to pensions granted before the accession of the late king, in respect of which an invariable usage had been observed, those pensions ought to continue, and ought to be exempted from revision. What says the report?—"These observations, however, do not apply to the grant of future pensions on the civil list: if granted with a distinct notice to the individuals receiving them, that they are not only legally terminable on the demise of the sovereign by whom they have been granted, but that they are liable to be revised or discontinued on the settlement of a new civil list, there can be no obstacle to the reconsideration at that time of the then existing pension list."

And yet the hon. gentleman, conceding the distinctions so plainly and unequivocally drawn by the report, between pensions granted without notice of revision, and pensions granted with such notice, appeals to an authority for the revision, indiscriminately, of all pensions whatever! The right hon. gentleman then appeals to Lord Althorp as an authority in his favour. He says, "Would the ingenuous Lord Althorp have countenanced the impression that pensions could not be revised on the demise of the Crown?" Why, what was the whole purport of the language of Lord Althorp, and the whole tenor of his proceedings, on this very question? It was a decided maintenance of the principles of the report of the committee; a decided maintenance of the distinction between pre-existing pensions,

and pensions to be granted in future. And what was the position of Lord Althorp and of Lord Grey? They had no interest in maintaining the old pension list. If they had been influenced by grovelling motives of party hostility, or of vindictive feeling against ministers whom they had opposed, they would have called for inquiry into the pension list. But they were influenced by higher motives; they thought it was indecorous towards the Crown, unjust towards those who had been the objects of the royal favour, that a committee of the House of Commons should scrutinise the motives, in each individual case, which had prompted the liberality of the Crown. They refused to institute an inquiry; and parliament sanctioned their refusal.

It is necessary that I should refer to the precise expressions used by Lord Althorp,—not in 1834, when he opposed the inquiry then proposed into the pension list, on an additional and distinct ground,—but in 1831, when the question was entirely open to parliament, and when Lord Althorp was as free, nay, infinitely more free, than we now are, in consequence of what then took place. Lord Althorp said:—"I admit that the House has a legal right to take away all these pensions if it pleases. They certainly expire with the demise of the Crown; but though the House has a legal right to discontinue them, I doubt whether it has an equitable right, for they have hitherto always been granted on the supposition that, when once obtained, they were to be held, not merely for the life of the Sovereign who granted, but also for the lives of the parties who held them."

This was the language which Lord Althorp used, dissatisfying many of those who had hitherto supported him. Mr. Portman, the member for Dorsetshire, came down to the House before the question for the settlement approached, and, remonstrating with the noble lord, said, "Beware, lest you should be overruled by a hostile majority of the House, and lose the confidence of those who have hitherto supported you." What was the language employed by his lordship in answer to this,—by a minister who knew that the pension list was unpopular; to whom it was signified that the abandonment of his opinion on that question must be the condition on which he would retain the support of his friends? What was the answer which he gave to the warning, "Beware, lest you provoke a hostile feeling amongst your former supporters, and be overruled in the House?" It was this,—and so noble, so high-minded, was it, that Lord Althorp and his friends may for ever refer to it with proud feelings of satisfaction, heightened by the contrast with the present proceedings,—the following was the reply of Lord Althorp to the caution and menace of Mr. Portman:—"On the subject of the pensions I beg to say a few words. I can never conceive it is my duty, as a minister of this country, or of the House, as a part of the legislature, to take advantage of a technical point of law, in order to do what in my conscience I believe to be unjust. The pensions in question, as I stated on Friday, were considered, and always have been considered, as granted for life. It is undoubtedly true, that by taking advantage of a technical point of law, those pensions might be made to expire on the demise of the Crown. There would be a strict legal justification for making them so expire; but I put it to the House—I put it to the country, whether it would be a worthy cause for government to take advantage of such a circumstance, and whether the relief which would be thereby obtained could be put in competition with the discredit of such a proceeding? Having said this, I have only to add that I await the decision of the committee and of the House with the deference and respect to which it is entitled; and that it is my most earnest wish that I may be able to comply with any alterations or modifications which may be suggested. At the same time I must observe, that I can never consider myself as bound to submit to the decision of any committee, or of the House itself, or of any other power whatever, if that decision should involve in it what I deem to be an act of injustice."

Now, let me ask, what was the legitimate inference which parties entitled to pensions must have drawn from this? They did not look to technicalities, or ponder over nice verbal distinctions. They saw a great revolution in the government,—one party dispossessed of power, the other succeeding to it. They saw that the question of the civil list was the instrument by which the mighty change was effected. They saw the new ministers adopting the principles of the old, with respect to inquiry into the pension list; and the legislature approving the principle thus held in common by the great parties of the state, and advisedly and deliberately sanctioning, at the

very time that departure from it was within their competence, an adherence to that which had been the invariable preceding usage. Could they entertain a doubt that, so far as the past was concerned, the question was settled for ever? and that their pensions were guaranteed to them for their lives, not, perhaps, by the letter of an act of parliament, but by the higher sanctions of the public faith, and the honour of the Crown and parliament?

But, supposing it had been foretold to them that the proposal for inquiry would be made on the accession of a future sovereign, the last man in the House from whom they could have expected such a proposal is the Chancellor of the Exchequer. He was the colleague of Lord Althorp at the treasury, the confidential secretary of the department over which Lord Grey and Lord Althorp presided. He is the man on whom they would have relied for protection. That reliance would not be founded on the mere fact of official connection with others; it would be justified by all the acts and declarations of the right hon. gentleman himself. I am not about to taunt him with inconsistency in respect to a political course. If he has changed his opinion in a question of policy, let him manfully avow it. Policy may change its aspect, varying its channel hues according to the vicissitudes of human affairs. But, surely, justice cannot. That which was expedient in 1830 may, possibly, be the reverse in 1837; but that which was injustice in 1830, cannot be justice in 1837. I will take some of the declarations of the right hon. gentleman, and I will leave the House to judge whether the parties, to whose interests they referred, had not a right to expect that they should find in him their most strenuous defender. While I am reading these extracts, I must ask you not to confound my speech with his. The sentiments are identical, the quotations are so appropriate, so exactly becoming my present position, that you will hardly believe that the speech which I am reading is any other than my own. The right hon. gentleman said:—"You passed those acts with your eyes open, and why should the House of Commons now be called upon, at the suggestion of the hon. member for Colchester, to go into the most fruitless, the most painful, and I will say, into the most disgusting inquiry?"

Now if that inquiry would have been painful in 1834, would it not be equally so now? If it were disgusting then, shall we be betrayed into it now? I proceed with the quotation:—"I do not quite understand that cheer from hon. gentlemen opposite, Undoubtedly such an inquiry must necessarily be painful and disgusting to the good feeling of all mankind."

After this declaration, I ask, would not the parties whose cases are thus spoken of have a right to calculate, whoever might propose such an inquiry, that the Chancellor of the Exchequer, at least, would not be the man? If one of them were told that such an inquiry were threatened, he would say, "I have looked to the speech of Lord Althorp, and to that of the then Secretary for the Treasury, who is now the Chancellor of the Exchequer, and I find that both of them have declared themselves against such a proceeding—that the latter has even characterized it as fruitless and disgusting; and, looking at these declarations, I have a perfect security—as perfect a security as can be grounded upon the characters and pledges of public men—that the family settlements and pecuniary arrangements into which I have entered, depending upon the continuance of my pension, will not be disturbed." Suppose the case of a military officer of limited means, the holder of a small pension, casting about to see what provision he can make for those dependent upon him for support. His attorney says, "This pension is only given for the life of the Crown, and therefore it is not such a security as is good for a settlement, or for the advance of money." To this the military officer replies, "I have perfect confidence that my pension is safe; the declarations of public men on both sides unite to assure it to me. You (the attorney) are the slave of technicalities; you do not understand that species of security which is above the words of a deed or the letter of the law. Read the speech of Lord Althorp, read that of the hon. Secretary of the Treasury, who succeeded him in the exchequer, and then say whether I am not safe—whether the provident foresight of Mr. Rice has not guaranteed my pension?" The military man would then read with exultation, to the astonished attorney, the following speech of the Chancellor of the Exchequer:—"Let me suppose the case of a meritorious military officer; suppose such officer to have received a pension for years; is this House disposed to call upon him either to forfeit the grants to which he has

now a legal right, or to come before a committee to recite his services, proclaim his own merits, to make out a case, and substantiate his claim to what his sovereign has granted? Why, sir, I say that this is a species of inquiry which must necessarily be painful to every well-regulated mind."

"There," says the military officer, "There is my security. While this man remains in office I shall never have to loiter about the lobbies of the House of Commons, inquiring for the Committee-room, No. 13, where I am to recite my case, and proclaim my merits, and justify the suspected bounty of my sovereign."

Mr. Rice said further:—"I should like to know what it is that hon. gentlemen propose to themselves if they go into committee. I only beg to state to the House, as among my objections to this inquiry—I only ask them, as practical men, what they expect to extract from it, unless, indeed (this was addressed to the hon. member for Southwark)—unless, indeed, they proceed upon motives which I will not attribute to any hon. member—motives of undue curiosity, and a desire to investigate the private circumstances of individuals? But we are told by hon. gentlemen opposite, that they seek to trace the origin of these grants. Now, the hon. member for Bath stated, that most of those who were the responsible advisers of these grants are no more—their evidence and their responsibility are therefore alike excluded. Are we, then, to call all the parties who are themselves in receipt of these pensions before us, and the responsible ministers who advised them not being in office or in existence—are we to go into an examination of the private case of each of these parties? If so, what is to be the course of your inquiry, and how are you to conduct it? I cannot imagine an inquiry that could by possibility be of so disagreeable a character; I cannot imagine an inquiry so painful, not only to the feelings of those who are the subjects of it, but to those who have to conduct it. I only ask the gentleman, whoever he may be, who is a candidate for the honour of the future chair of this committee, whether he anticipates any very useful or agreeable duty."

I repeat this question of the Chancellor of the Exchequer. I ask the gentleman, whoever he may be (it cannot be the Chancellor of the Exchequer,) who is a candidate for the honour of the future chair of this committee, whether he anticipates any very useful or agreeable duty? I ask you, the House of Commons, whether you will sanction this "fruitless and disgusting inquiry," which, seven years since, your predecessors refused to enter into? Remember that your position is different from theirs; that seven more years have elapsed—that a whole reign has intervened—that evidence which might have been had in 1831 is no longer attainable in 1837—that expectations entertained in 1831, founded upon the uniform preceding usage, have been converted into certainty by the deliberate re-adoption of that usage. Remember that, of the whole list of the pensions, there is but a fraction for which any living minister can answer; that those ministers who, fretted by premature decay by the restless agitation of political life, are now in their graves, entertained, and were justified in entertaining, different views from yours with regard to the grant of pensions. They little dreamed, after rewarding with a moderate pension the faithful services of some confidential servant, the depository of all their secrets, the sharer of all their labours, that years after their death, in the absence, possibly, of all evidence, the motives of the grant would be scrutinised with unsparing severity, and tried by inapplicable tests, and new and unheard-of principles.

Consider the life—the life of intolerable labour and care—the briefness of the career—the causes of the death of many of those who have reached the summit of precarious power in this country! Look back upon the history of this country from 1804 to 1830, a period of twenty-six years, and you will find that death has swept away all the ministers, with two exceptions, who had successively presided over the destinies of this country during that eventful period, and that the united tenure of office by these two embraces only three out of twenty-six years. Call to mind the fate of Castlereagh, of Canning, of Liverpool, whose deaths were hastened by their devotedness to the service of their country. I shall never forget the words addressed to myself by Lord Liverpool but a few days before that fatal blow which ended in his decease, when I remarked to him, with satisfaction, that I thought him looking better than I had seen him for some time previously. "Ah!" was Lord Liverpool's reply, "no man knows what it is to have been the Prime Minister

of England for seventeen years, and never, during that period, to have received his letters by the post in the morning without a feeling of anxiety and apprehension." The ministers are in their graves. These pensions were granted by their advice. They are unable to give an account of them, or of the grounds upon which they were given. Do you think it just, do you think it decorous towards their memories, to ransack with severity their advice to their sovereign, with respect to the distribution of the royal favour? Would it have been fitting to do so in 1830? Is it tolerable in 1837?

William IV. has descended into the tomb of his ancestors. He has been succeeded by a sovereign in the bloom of youth and promise. That painful and revolting inquiry which we would sanction when a king of mature age ascended the throne, shall we insist upon it now? Shall we take advantage of the tender age and unsuspecting confidence of a youthful Queen, to demand those scrutinies into acts of royal favour, which were characterised at a previous accession, not merely as fruitless, but disgusting? There is not a pension on the list which was not granted as the reward of service, or the mark of favour, by the grandfather of the present Queen, George III., or the succeeding sovereigns, her uncles. Shall her first act be to question the exercise of their discretionary favour, and put upon their trial the objects of their bounty? Shall she, who is the fountain of honour, of grace, of privilege, of favour, be forced to this act of unusual severity and harshness? You have offered to her the respectful assurance, that the Commons of England will make ample provision for all that can contribute to her personal comfort, or enable her to maintain the high dignity of her exalted station. Let not the kind and grateful feelings which this assurance must excite in her mind be embittered by the sad reflection, that she, of all sovereigns, is the first who has been called upon to depart from the liberal and generous usages of her ancestors—the first upon whom has been imposed the harsh and painful necessity of rudely invading those family settlements and domestic arrangements which were made in just reliance upon the permanence of royal protection. I will now conclude, by moving the following resolution as an amendment; to leave out from the word "That" to the end of the question, in order to add the words:—"That, upon the occasion of the accession of his late Majesty, King William IV., a select committee was appointed in 1831, on the motion of Lord Althorp, then Chancellor of the Exchequer, to take into consideration the accounts presented by order of his Majesty relating to the civil list.

"That the committee so appointed took into consideration, together with other classes of the civil list, that of the pensions, and, after stating that they felt it to be their duty to explain to the House fully the ease in respect to pensions, made in their report the following, among other observations:—"At the same time, it would be a harsh measure to overlook, on this present occasion, that which has been the uniform usage on all former settlements of the civil list. Pensions on the civil list have always hitherto been considered to be granted for life: and, in fact, no instance has occurred wherein a pension on the civil list, granted by one sovereign, has been discontinued on the accession of his successor. It is more than probable, therefore, that parties relying on an adherence to an invariable custom, have made family settlements and pecuniary arrangements of various kinds, with all of which his Majesty must necessarily interfere, should the continuance of these pensions, for the first time, on his accession to the throne be refused. Adverting to all the circumstances of the case, considering that no material relief to the finances of the country could be derived from the most rigid measures of retrenchment applied to the pension list—that in many cases severe distress, in some actual injustice, would arise to individuals from the general discontinuance of pensions—that such discontinuance, on the occasion of his Majesty's accession, would be a departure from an usage invariably observed on the accession of his Majesty's predecessors, your committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the pensions on the civil list of his late Majesty. These observations, however, do not apply to the grant of future pensions on the civil list, if granted with a distinct notice to the individuals receiving them, that they are not only legally terminable on the demise of the sovereign by whom they have been granted, but that they are liable to be revised or discon-

tinued on the settlement of a new civil list, there can be no obstacle to the re-consideration at that time of the then existing pension list.'

"The committee proceeded to recommend that the pension-lists of England, Scotland, and Ireland should be consolidated into one alphabetical list; that pensions to the amount of £75,000, on the first part of the list, should be placed on the civil list, and the remainder charged to the consolidated fund.

"That his Majesty's government proposed, and parliament sanctioned, measures in respect to the civil list pensions, founded upon the recommendations of the committee, and in precise conformity with them, making provision to enable the Crown, if it should so think fit, to continue the whole of the pensions on the civil list of King George IV.

"That, at a subsequent period, the House of Commons passed resolutions in respect to the grant of all future pensions by the Crown, expressing an opinion that they ought to be confined to such persons as had just claims on the royal beneficence, or who, by their personal service to the Crown, by the performance of duties to the public, or by their useful discoveries in science, and attainments in literature and the arts, have merited the gracious consideration of their sovereign, and the gratitude of their country.

"That it appears to this House, that the course advisedly taken on the accession of his late Majesty, by the Crown and Parliament, was calculated to justify increased confidence in the continuance of the then existing pensions, and in the permanence of 'family settlements and arrangements of various kinds,' made by parties 'relying on the adherence to invariable custom,' and that whatever harshness or injustice there might have been, on the accession of his late Majesty, in overlooking on that occasion the uniform preceding usage, would, on the present occasion, be greatly aggravated, not only by the lapse of time, and the intervention of a whole reign, but by the direct sanction given in 1831, by the Crown and Parliament, to an expectation that the principles then acted on, so far as applicable to the then existing pensions, would be thereafter adhered to.

"That, under these circumstances, it is the opinion of this House, that regulations having been established in respect to the grant of future pensions, and precautions having been taken in respect to the revival or discontinuance of them on new settlements of the civil list, it is advisable now to make such provision as shall enable the Crown, if it shall so think fit, to continue those pensions which were continued by the Crown on the accession of his late Majesty, or which were granted by his Majesty."

The House divided on the original motion :—Ayes, 295; Noes, 233; majority, 62.

## CIVIL LIST BILL.

DECEMBER 19, 1837.

This Bill having been read a third time, Mr. Grote proposed to remove the entire sum allotted to pensions from the Civil List.

SIR ROBERT PEEL should vote against the motion of the hon. member, because he conceived its object to be to deprive the Crown of the power which it at present possessed of rewarding merit and honourable personal distinction. At the same time he would not say that the proposal of the Chancellor of the Exchequer was altogether satisfactory. The first objection which he entertained to the right hon. gentleman's proposal was, that the sum of £1,200 a year, which it was proposed to grant to the Crown for this purpose, was too scanty. This was his opinion at the outset; and when the right hon. gentleman went on to inform him that at the end of twelve years a saving of £30,000 would be effected, by the dropping in of lives in the present pension list, that opinion, that the proposed sum was too small, became confirmed. At the same time he admitted that the principle of granting a fixed sum was a good one, provided the grant was a liberal one. The granting of a pension depended in a great measure upon the means in the hands of the Crown to pay it, and where the means of so doing were, as in the reign of William IV., contingent upon the falling-in of existing pensions, it would often happen that at the time when



there were the most calls for grants of this kind there were no means of making it, whilst at other times the Crown would have more abundant means at its disposal than the occasion of the day required. He thought, therefore, that a fixed sum, provided it was of such an amount as to be a fair equivalent for the means already at the disposal of the Crown, would be an improvement. But he must say again, that he considered the sum of £1,200 a-year too small, when it was considered that out of it were to be provided all the pensions for the three great divisions of the kingdom. There was another feature also in the plan of the Chancellor of the Exchequer, of which he disapproved, namely, that in any year, if the Crown did not grant pensions to the full extent of the £1,200, it was not to have at its disposal the residue for the ensuing year; but that in no year the Crown was to grant more pensions than to the amount of £1,200. He must say, that he thought it would be better not to limit the discretion of the Crown in this way, as it must naturally occur that in some years there should be more proper occasions for the bounty than in others; and the object of parliament in affixing a limit at all would be fully answered by providing that the grants of the Crown in pensions should not exceed an average of £1,200 a-year, taking one year with another. He trusted, therefore, that this part of the bill would be reconsidered, and altered in a way, as he thought, tending manifestly to the public advantage. The next objection which he had to the plan of the Chancellor of the Exchequer was, the proposal to call upon the Crown to lay upon the table of this House every year a list of the pensions granted by virtue of this bill. There were some hon. gentlemen in the House who really did not seem to be at all disposed to be satisfied with any arrangement whatever on this subject. They first made a regulation to govern the Crown in the distribution of all future pensions, a resolution to which the Crown had shown every disposition to adhere, and which it had hitherto acted up to most implicitly. Yet with this regulation the very hon. members who assisted in passing it were now finding fault. When the Chancellor of the Exchequer spoke of their bounden duty to preserve the monarchical prerogative in the distribution of these bounties, he wondered that he did not premise that the very arguments which he used bore directly against his own proposition. The fact was, that the right hon. gentleman, in his anxiety to conciliate both sides of the House to his scheme, had necessarily been betrayed into inconsistencies which would hardly escape observation. When the right hon. gentleman, addressing his own friends behind him, said, that the House of Commons ought to exact a yearly statement from the Crown of the manner in which it had disposed of the sum of money granted to it by this act of parliament, he wondered that the right hon. gentleman did not perceive that such an exercise of authority would almost amount to a veto upon, if not actually to a directional power over, these bounties. The right hon. gentleman declared that the Crown was the fountain of honour and favour; and that being the case, he could not see that the prerogative of the Crown applied more directly to one than to the other, yet what would the right hon. gentleman say if it were proposed to make the Crown give in a return to this House of all the titles and honorary distinctions which it had conferred from year to year? Would not this be objected to as a pretence on the part of this House to exercise an inquisitory authority over the exercise of the royal prerogative? He was aware that returns of pensions in existence had been given from time to time; but this was at particular periods, and upon a requisition made, either when they were about to legislate upon the subject of the civil list, or when a strong feeling of jealousy or misgiving existed as to the application of these funds. But he thought there was a very clear distinction to be drawn between an occasional return of this kind, and a yearly legal presentation for the purpose of challenging inquiry into the acts of the Crown. He must confess that when he heard the speech of the right hon. gentleman he was very much surprised at hearing him make use of observations so very contrary to what he had been accustomed to hear come from that side of the House. It only showed what rapid changes they had to expect from that quarter; and they ought not to be at all surprised if, seven years hence, they were to see a proposition emanate from the right hon. gentleman's party to take away all power to grant pensions from the Crown, and to vest it entirely in the House of Commons. He had already said that he considered the grant of £1,200 far too limited for the proper exercise of the royal prerogative in the rewarding literary and civil merit. This was his opinion, and he predicted

that the country would participate in it before very long. What would be the consequence? The feelings of the country would revolt at seeing men who had devoted their talents and their energies to the prosecution of literary and scientific pursuits, for the practical benefit of the community, languishing in distress and want. The Crown would be applied to for succour, but applied to in vain; for, with every disposition, it would not have the means to grant a pension so loudly demanded by all the dictates of humanity, of gratitude, and of sound policy. What would be the case, then? The House of Commons would have to step in and avert the consequences of an error of which it had been guilty, but at the same time take to itself the merit of the grant, to the obvious disparagement of the Crown. All this might not be the consequence of a premeditated step towards republican principles; the desire might not perhaps now exist to establish the power of the House of Commons on the ruin of that of the Crown; but as the power to grant bounties must be exercised, and must rest somewhere, so if this grant in the hands of the Crown be now so restricted, that power must eventually be taken out of the hands of the Crown altogether by the House of Commons. Having expressed his opinion that the proposition of the right hon. gentleman, limited as it was, was fraught with dangerous consequence to the monarchical principle, he should proceed to another branch of the subject. He must say that it was rather extraordinary to find hon. gentlemen who formerly required that all bounties should be confined to rewarding literary or scientific merit, and who caused a resolution to be passed to that effect, should now be quarrelling with their own regulation. The hon. gentleman opposite said, that giving a reward to a meritorious individual was a very invidious proceeding, and calculated rather to give offence than otherwise to the other members of the same class. Now, this he must be allowed to say was a most extraordinary argument. Why, what used to be said of this country in comparing it with surrounding nations? Was it not said that despotic nations rewarded science, and selected eminent scientific and literary men, anxious to pay them a just compliment, whilst they also afforded them a substantial reward? See what despotic governments did—they rewarded science—they selected eminent men—and were anxious to pay a compliment to them by conferring upon them some substantial reward. The argument of the hon. member was conclusive against Sir Walter Scott being made a baronet, because it applied equally to granting a dignity as a pension. Doubtless the hon. gentleman would say that the honorary distinction cost nothing, while the pension would put the country to the expense of £300 a-year. It was the *argumentum ad pecuniam* which seemed altogether to influence the hon. member's views. He always thought that when a literary man of eminence was selected for royal favour that the whole class was elevated and complimented in that act. He well recollected what was said over and over again on the former debates on this subject, that by granting pensions too exclusively to persons connected with the military profession or with politics, those two classes of public characters were elevated into undue importance, to the disparagement of meritorious conduct in other useful pursuits. It was then that a resolution was passed for rewarding literary merit and scientific acquirement; and now that this resolution was being faithfully acted upon, the hon. gentleman complained that by rewarding members of the literary profession with pensions, literature itself was degraded, and some members of it have cause to complain of an invidious selection having been made for the royal bounty. Then it appeared that the real ground of complaint now was, not what it was formerly, that literary merit was not rewarded. In other words, hon. members quarrelled with their own resolution. In his opinion it was proper that literary and scientific men of merit should receive the occasional aids which they required, and be honoured with the conventional distinctions which were established in a monarchy—he thought that these rewards should be conferred only by the Crown; and that unless there was suspicion of abuse in the exercise of the power of the Crown, it should not be questioned by that House; still less should those rewards and distinctions be conferred by the majority of that House. On those grounds he should, as he had before said, oppose the motion of the hon. member for London.

Motion negatived.

Sir Robert Peel then rose to move an amendment. It had been argued in the committee that the pensions should be regulated by a fixed annual sum, and not by

a varying amount up to £75,000, and a resolution had been moved to that effect. He adhered to the principles which were laid down by Lord Althorp in the year 1830, and had given his vote accordingly. He had, however, been overruled, and it was decided that the Crown should be enabled to grant an annual sum of £1,200. He wished to move an amendment to that part of the bill, providing that if the whole sum were not granted in any one year, the remainder might be carried over to the next year and then granted in addition to the £1,200 allowed for that year. He might perhaps make his meaning more clear, by supposing that the amount of pensions granted in one year was only £800, which would be less by £400 than the amount allowed by the bill. He would, in such a case, carry that sum over to the next year to the advantage of the Crown, and empower the Crown to grant pensions in the following year to the amount of £1,600. The intentions of the House would not be defeated by such an arrangement, because upon an average of years the annual sum granted would not exceed £1,200.

Motion carried, and the bill passed.

## AFFAIRS OF CANADA.

JANUARY 16, 1838.

Lord John Russell moved the adoption of an address to her Majesty, relative to the recent acts of violence that had taken place in Canada; to thank her Majesty for her gracious communication of papers on the subject; and to express the determination of that House to support the efforts of her Majesty for the suppression of revolt and the restoration of tranquillity.

SIR ROBERT PEEL said, that the noble lord, the secretary for the home department, in the course of the speech with which he had commenced this discussion, had brought under the consideration of the House two most important questions—one, an address to the Crown, pledging the House of Commons to support the Crown in the efforts which it might make for the suppression of actual revolt; the other, a legislative measure for the suspension of the constitution of Lower Canada, and investing the individual who was to proceed to that colony for the purpose of taking upon himself the administration of its affairs, as governor, with dictatorial power. He was called on to-night, he apprehended, to give his opinion with respect to the first of these propositions, and while, as a member of that House, he should pledge his support to the Crown in its endeavours to put down rebellion on the part of a portion of her Majesty's subjects, he must say, that he was glad that the question of supporting the authority of the Crown against open insurrection, and the legislative measure which the noble lord proposed to bring forward, had been kept perfectly distinct and separate. He considered that the first question was one of sufficient importance to justify a separate discussion. When it became necessary, he should freely express his opinion with regard to the policy of the measure which the noble lord had stated it was his intention to propose; but at present he should confine his observations to the question of the address to the Crown. He lamented that so much time had been permitted to elapse before this subject was brought before them. If he had been in the House when the noble lord proposed a three weeks' adjournment, he should have voted for the proposition which was then made, that the House should meet without delay for the purpose of considering an address to the Crown, and of assuring the Crown of the support of the House of Commons. They had at that time the information that an attack had been made on her Majesty's troops by her Majesty's subjects—that a portion of her Majesty's subjects were in open insurrection against her government, and no time ought to have been permitted to elapse without assembling the House of Commons, for the purpose of intimidating the disaffected, and of encouraging the loyal and well disposed. No doubt the members of the House had separated, because it was understood that no business of importance would be brought forward till after the holidays; but when the fact was made known that a portion of her Majesty's dominions was in open revolt against her government, there could have been no reason whatever why an adjournment for three days should not have taken place, and the House have immediately re-assembled for

the purpose of giving that assurance to the Crown which was now so tardily, and as far as Canada was concerned, so unimpressively conveyed, that in the suppression of the revolt, the Crown might rely on the support of the House of Commons. He was surprised, also, that no direct and formal communication had been made to both Houses of Parliament by a message from the Crown on this subject. Surely when they knew that the Queen's troops had been actually called on to repress open insurrection—when they knew that the attack of a British force had been repulsed by the insurgents—when they saw martial law proclaimed—when they saw the most pressing instances addressed by the governor to other colonies for troops—surely these were facts which justified a direct communication to parliament from the throne; but the House of Commons had not, till five o'clock that evening, received even an indirect intimation that the Queen's troops had been in collision with the people. It appeared that before the adjournment of the House of Commons no accounts whatever had reached them of the result of the expedition under Colonel Gore, and it was not until to-night that the House of Commons were informed of the result of the engagement which had taken place between those troops and the persons who, acting in open violation of the laws, had opposed the forces of her Majesty. It was no answer to say, that the dispatches had not arrived, and that there had been no opportunity to communicate their contents before. But it was not of this that he was complaining especially, but he complained that the Crown had not sent any message to the House, stating the circumstances attending the revolt, and soliciting the aid and support of the House of Commons in endeavouring to put it down; and he would venture to say, that in the history of this country no event of so much importance as the insurrection in Canada had taken place without its having been deemed necessary to communicate the fact specifically to the House of Commons, not by means of the publication of papers alone, but by means of a message from the Crown, in which a solicitation for support was included. He would begin with the events of the American war, and all the unfortunate transactions which took place with reference to that struggle for independence. In 1774 the disturbance took place in Massachusetts, and the riots also broke out in Boston. Parliament was aware of the unfortunate differences existing between that colony and this country from the reports which had reached them; but the notoriety of the matter was not considered a sufficient reason to relieve the Crown of the necessity of making a formal communication of the facts to both Houses of Parliament, and a message was accordingly delivered, setting forth the circumstances, and soliciting the aid of Parliament in suppressing the disturbances which prevailed. The occurrences in Boston also took place in 1774; but they formed the ground of a distinct message from the Crown, and of a distinct application for the support of Parliament. The case of the mutiny at the Nore, in 1797, was another, the facts of which were perfectly notorious, and had even been the subject of discussion in the House before they were introduced to its notice on the 1st of June, having been brought forward by Mr. Sheridan; but still, on the first of June, the Houses had a notification conveyed to them by a message that the mutiny had broken out, and their support was prayed. Take, also, the whole case of the Irish rebellion before the year 1798. In the year 1797, when Lord Camden was Lord-lieutenant of Ireland, before the rebellion had broken out, when disturbances however prevailed in Ulster, and when assemblages of armed people had taken place, the government did not then leave the Irish Parliament to collect the circumstances from the papers which were published, and the rumours which were afloat, but by a message it informed the Parliament of the whole of the facts, and prayed their support. In 1797, when the apprehension of two committees of the United Irishmen, in Belfast, had taken place, the same course was pursued: and in 1798, on the 22nd of May, before the rebellion actually broke out, a communication was conveyed from the Crown to both Houses, through the medium of the Lord-lieutenant. Then, again, in 1803, when there were no separate Houses of Parliament in Ireland, the Crown made a distinct communication to the Imperial Parliament, by a message. The substance of the message on the subject of the rebellion was, that his Majesty felt the deepest regret in acquainting the House of Commons that treasonable and rebellious opinions had been shown to exist in Ireland, and that his Majesty relied with the most perfect confidence on the wisdom of the steps which the House would take to afford protection to his Majesty's

Irish subjects, and to restore and secure the general tranquillity of the country. Why, he would ask, had this uniform course been adopted? and why was it, that when a revolt, such as had broken out in Canada, came before them—a revolt, calling for the proclamation of martial law to put it down—why was it, that in such a case, the Crown had not thought it becoming to make a communication in accordance with the stream of all analogous cases in our history? There was not a single instance in our history in which the Crown had left it to Parliament to gather from the despatches, facts, which should be communicated by a message from itself. He was quite aware that, in the Queen's speech, there was a reference to Canada; but that reference did not relate to the revolt; for, at the period when that speech was delivered, the revolt was not known, and the passage in the speech altogether referred to the events of last session, and in no way relieved the ministers of the Crown from the *onus* of making a formal communication to the House. He had just heard an hon. gentleman say, that this was only an objection as to form, and he was quite aware that it was an objection as to form only, and not as to substance; but he would ask the hon. gentleman, who appeared so much to undervalue form, if, when a revolt took place, and martial law was proclaimed in a colony, it was to be deemed of no importance that the uniform usage in such cases had not been adopted, and that thus the importance of the matter should be altogether underrated? The main question before the House, however, was, if it was fitting that the House of Commons should assure her Majesty of its cordial support in putting down this revolt; and he must say, that he never felt more sincerely that he was right than when, without passion, and after great deliberation, and not without a cautious forecast of all the probable consequences, he came to the conclusion of offering to the Crown his assurances of cordial support in attempting, at any hazard, to suppress this revolt. The hon. gentleman who had last spoken, had suggested considerations which he admitted to be of great importance. He said, that the majority of the people of Canada were disaffected to the British government, and he contended that therefore they ought to be released from their allegiance. The hon. gentleman stated, that the more conciliatory the intentions of the colonial government had been, the greater had been their failure, and the greater were the apprehensions that it would be impossible to establish mutual goodwill and harmony in the relations between the colony and the parent state. He admitted the importance of these suggestions, but at the same time he must be permitted to ask, whether the principles which the hon. gentleman had laid down, were to be applied to the whole empire. Let not the House forget, that we had an extended colonial empire, including India, including Europe. Let them not forget the extent to which this principle, if admitted, might be applied. Let it be laid down, then, as a principle, that the first expression of dissatisfaction with our government, and the first instance of resistance to our authority, was to be a signal for abandoning our claim to superiority. To put the strongest case, suppose Canada were an island; could we say, that after possession of the colony for seventy years, gained by a series of brilliant conquests, and after we had at least intended to do justice, that we ought to relinquish our sovereignty, because it was dissatisfied with our government? If we laid down that principle, could it be limited to colonies? Could it not be applied to integral parts of the empire? Why might it not be extended to a part of England, if that part expressed itself dissatisfied with the rule of England? The fact of dissatisfaction with our government, as the hon. gentleman contended, showed that the colony had been misgoverned; and then, he asked, what was the good of ruling over discontented subjects. Why, if we were to act on such a rule of public conduct, the glory of England would, in ten years, be utterly annihilated. The great influence which we possessed, owing to our vast colonial establishments, and the great power which we derived from our navy, which, as the noble lord had observed, was supported by our commercial marine, would soon pass away; and England, from the foremost rank among the nations of the earth, would descend to the situation of a subordinate and a fifth-rate power. Suppose that doctrine to be applied to an island not connected with the British empire, would it even then be applicable to Canada? He thought not; for there appeared no reason for believing, that the dissatisfaction of Canada was so fixed, so deeply rooted, as to despair of effecting an ultimate arrangement. He had to-night, and for the hundredth time, heard some gentlemen opposite deploring, that the conservatives had been excluded from the government, not on account of

financial matters only, but from many other causes; and they had said, that if the conservatives had remained in office, the interests of the country would have been much better managed. To-night had the hon. member for Kilkenny declared, that he had no doubt if Lord Aberdeen had continued in office, there would have been no insurrection in Canada. There was a corollary which might be deduced from this, which was, that nothing could have been more factious and unprincipled than the opposition which had effected his being thrown out. "See," says the hon. gentleman, "the enclosure in Lord Aberdeen's despatch; that will show that there was every disposition on the part of the government to make any concessions that might be consistent with the integrity and honour of the British empire." If, then, Lord Aberdeen had remained in office, this question would never have been brought forward. Was it not wrong, therefore, that his lordship should have been excluded from office, and would it not be just, since his policy had been approved of, to give him another trial? It was unwise to apply the principle of separation with respect to the Canadas, because there had been at Richelieu and St. Denis some slight insurrection. The hon. member for Kilkenny (Mr. Hume) said at once, "Shake them off, for their connection henceforth will be grievous and burdensome;" but he said, "No! try first the counsels, which you admitted might, if they had been carried out, have prevented these disturbances." The hon. gentleman could not deny this admission, for he had read an extract from Lord Aberdeen's minute, in which his lordship had referred to the grievances complained of in Canada, and had pointed out means which he thought might redress them; and the hon. gentleman's conclusion was, that had such principles predominated over this question it might have been settled, not indeed by a hostile course, but by one that would have conciliated and satisfied the Canadians. There might be some who said that the hon. member for Kilkenny had been indiscreet—that he did not see the force of his own admissions; but the hon. member for London also shared in his condolence. He had also one bright example—one great exception—to adduce, for he lamented that Sir George Murray had not remained in office; and, moreover, that Sir James Kempt had not continued governor. "If," said the hon. gentleman, "Sir George Murray had remained in the colonial department, and if the principles he had expressed had been allowed to predominate, the financial question in respect to these colonies would have been settled." But what was the question to-day? Was it not one of finance? It was one of feeling, but it was also one of finance. The hon. member for Kilkenny, then, deplored the exclusion of Lord Aberdeen from office, because the course he proposed would have conciliated the Canadians, and the hon. member for London deplored the exclusion of Sir G. Murray, because the policy he adopted would have removed all their financial grievances. This, said the right hon. baronet, surely afforded collateral proof, first, of a most factious combination to drive honest and well-intentioned ministers, as we were, from power,—and, secondly, although unwise men may have succeeded us, whose policy has increased those disturbances, that there had been legitimate hope of settling this question by mild and conciliatory measures. But even supposing the principle of the hon. gentleman to be applied to a separate dependence, such as Jamaica, he must, nevertheless, deny its application. Was this great country prepared to say, on the first manifestation of any rebellious feeling, "Separate from us, and establish a government for yourselves," instead of re-calling them to their duty? He thought not; and that the application of this principle was perfectly inadmissible. But if it applied to so distant an island as Jamaica, it would apply also to any one that was nearer, even to those that were most contiguous to the country. Suppose, for instance, the people of the Isle of Wight should fall out, and say that they had a right to be independent; that the rules of this philosophic argument were made for small as well as large communities; and that they desired to try the system, in order that they might be relieved from the heavy taxes at present imposed on them; and they might say, that they could show many equally small Italian states which were well governed, and were prosperous, and that the channel being between them and the mother country, there was no reason why they should not be equally so, or should not constitute themselves, like the Canadians, a small republic, with laws and institutions of their own. What would the hon. member say to that? His argument would apply there if it applied at all. But then, the hon. gentleman, seeing that the Isle of Wight might become attached to France, might

find it convenient to say, "No, you are essential to our security, from your being contiguous to Portsmouth, and we cannot permit you to be separate;" but if the principle was good in one case, it would apply to all. In considering the case of Canada, however, it must be inquired, what would be the effect on the interests of those colonies in its immediate neighbourhood? If it could be foreseen, that on the Canadas becoming independent they would be unable to stand against the United States, and on the first *bond fide* quarrel with them might fall to them, and be annexed to their other territories, and our own British American colonies should thus be separated from each other, we should still be bound by the obligation owed, not only to them, but to other parts of the British empire, to consult their interests. Suppose, now, that Lower Canada was declared independent, what would become of the navigation of the river St. Lawrence, that great outlet of the commerce of Upper Canada? Or, again, suppose the inhabitants of Nova Scotia, New Brunswick, or Prince Edward's Island, were to say, "We made a settlement here on the faith of Canada's remaining connected with the British empire. You gained it by brilliant conquest, and a treaty of peace was signed, that has now existed upwards of seventy years, and you instituted a form of government there with the best intentions for the advancement of the country; but, although that government has not been successful, we must object to the sacrifice of our own interests by your permitting the independence of a state in the North American provinces, and thus stopping up our medium of intercourse with Upper Canada." Surely these complaints would be reasonable, and surely these colonies were entitled to have a voice in the matter. Unless, by the strongest circumstances, England was compelled to give up Canada, it ought never to permit that country to establish itself as an independent state; and if they should permit that to be done, what answer could be made to the complaints of the other colonies, which would be placed in a subordinate position by the very act of the government by which they should be protected. He therefore said, that the case of Canada was not a simple abstract question; it was one which could not be considered separately from the question regarding the other colonies of North America. The situation of Canada, and the physical condition of the other colonies of this country, in North America, must be considered together. That House and the government must only look at Canada as an independent state, when the situation of the other colonies in America could be regarded as independent states. These were prepared, however, to perform all their duties to this country, as colonies, and therefore it would be the grossest folly on the part of England to allow the connection to be lightly broken. He repeated, then, that the question of the separation or independence of Lower Canada could only be considered at the same time with the navigation of the St. Lawrence, the peculiar circumstances of the other colonies in America, and their neighbourhood to the United States. Therefore, as regarded the honour of the British Crown, the interests of the other British colonies, the well-being of the British settlers in the upper province, and the interest of Great Britain elsewhere, they ought not to let this revolt be triumphant, or suffer the flag of Great Britain to be lowered to the partisans of Mr. Papineau. At the same time that he should give his cordial consent to the address proposed by the noble lord, he did not mean thereby to apply any thing like approbation of the course pursued by her Majesty's government. He should give unhesitatingly his cordial support to the address in the first place, and it was for the essential reason, because this country had acted liberally and justly towards Canada. It was impossible to look at the correspondence on the table—he meant the whole series of correspondence—without coming to the conclusion that Canada had occasionally just grounds of complaint. But he would ask, how could this country maintain its authority and dominion, even at home, if at the first suggestion of a grievance revolt was to take place, and the people were to resort to arms? He did not deny that when this country was engaged in war with foreign powers, that domestic affairs were neglected, and that the Canadians had just grounds of complaint; but of late years the affairs of Canada had been regarded as matters of essential importance, and he had never known an instance in which a mother country had manifested a greater desire to do justice to a colony, than was exhibited in the course that had been pursued towards Canada. In a passage of the address of the assembly of Lower Canada, which was referred to by the noble lord, it was stated, that the report of the committee of that House, of the year 1828, and

the recommendations embodied in it, furnished imperishable evidence of the liberality of this country. But he begged the House to recollect, that Lord Aberdeen not only acted upon the recommendations of the committee of 1828, but went beyond those recommendations in the course he pursued; and in every case in which the recommendations of the committee were not acted upon, the delay arose, not from the government at home, but from the Canadians themselves. There was an end, then, to the assertion, that they were not disposed to attend to the affairs of Canada. At the same time he was prepared to admit, that the habits of the people of that country, and their feelings and prejudices, were not the same that existed at home, and that, therefore, allowances should be made for their conduct. While he admitted this, he repeated, he was convinced of the justice of the course pursued, and of the folly of proceeding, on any allegations of grievance which could at least be found in these papers, to such an extent as to revolt against the authority of the Crown, and to organize an armed force against the civil and military authorities in the colony. He was convinced, that if the authority of the Crown was to be maintained in Canada, or at home, this revolt must be suppressed; and he should, therefore, give his cordial support to the address, and he should support measures at any hazard to carry it into effect. But he did not by this mean the House to imply that he placed confidence in the Queen's government, or that he meant to approve of their conduct, or was satisfied at the course which they had pursued. But for what the noble lord had said, he should have been content to pass over this part of the subject; but the noble lord, in the course of his speech, had challenged a reference to these documents for approbation of the conduct of the government. He was bound to say, on reading them, that measures of precaution had been neglected previously to the revolt. But before he did so, he might be recommended to look at the papers on the table, and see whether the authorities in Canada complained of any want of military force there. He did not know with whom the blame rested; but after passing the resolutions last year having reference to Canada, and after the excitement which might naturally be expected to follow on their adoption, surely somebody in authority at home, or in Canada, might have suspected that some such result would have followed as the revolt. Could any thing have been more delusive than the hope, that a feeling of satisfaction and quiet could arise from the passing these resolutions? Did the government imagine that it could pass these resolutions, declaring that the British legislature could not trust the House of Assembly of Lower Canada with the management of the funds of that colony, although they did not follow up their resolutions by passing a bill, without producing angry and excited feelings? For his own part, he firmly believed that a bill on this subject might have been passed last year. Any delay was prejudicial; for the result, as might have been expected, was, that the Canadians felt assured that the government at home was afraid to enforce them. There was not the slightest prospect that any delay in passing the bill, founded on these resolutions, would conciliate the Canadians to us. On the contrary, immediately after passing the resolutions, the government might have expected some such result as an insurrection. The same course was pursued when the resolutions respecting imposing a stamp duty in our former American colonies passed that House. It was then said, that an objectionable mode of proceeding would be avoided, by passing the resolutions, and postponing the bill to carry them into effect to the following session. The same result then followed as now; for by calling in question the authority of the local assembly, an insurrection was excited against the mother country. He contended that the government ought to have been fully prepared to expect, that the feeling of dissatisfaction that prevailed in Canada would be greatly increased by passing these resolutions. In addition to this, to whom did they look for support? Why, to another party, who were also dissatisfied with the treatment they had experienced. He knew this, from the picture of the country drawn by one of the friends of her Majesty's Government. This picture was drawn so lately as the 12th of October, and the writer stated—"Some of the immediate fruits of the system now in operation, which, if not put down, must lead to the worst consequences, are to be seen in the apathy and inaction of such of the magistracy and persons of property who had not joined the revolutionary party—in the extreme difficulty of obtaining accurate and available information of what is passing; and, judging from recent events, in the little probability, even if evidence of sufficient weight could be procured



to arraign the offenders, of a jury taken from the district of Montreal finding bills and convicting on them."

Again, in another part of this document it is stated: "It is proper that I should represent to you the inadequacy of the powers at the disposal of the local government, for meeting the difficulties that surround it. The law fails to afford its support; the civil authorities become therefore impotent; the habeas corpus act cannot be suspended. The clergy, though well-disposed and loyal, are reluctant to come forward; any further appeal to the present parliament would not only be inexpedient and useless, but positively injurious; and a dissolution offers no prospect of a more reasonable House of Assembly, nor any hope that the new House, which would be composed of a majority of the old members, would recede in any particular from the demands so pertinaciously insisted on by the present body. Indeed, a dissolution, if decided on at all, should not at any rate be resorted to, before the whole of the measures and arrangements you now have in contemplation respecting this province, shall have passed into law and be perfected. In such circumstances, and seeing that the imperial parliament has solemnly and unequivocally stated that it will not accede to the assembly's demands, I am forced, however reluctantly, to come to the conclusion, that the only practical course now open for conducting the affairs of this province, with any benefit to the inhabitants generally, is at once formally to suspend the present constitution, which both parties unite in confessing cannot now be worked, and which has in fact for the last twelve months been virtually suspended; to increase the military force, and to strengthen the hands of the executive, now almost impotent for any good or useful purpose."

Such was the lamentable state of this colony, in which for a period the loyal inhabitants had been discouraged by the authorities. They now, however, passed for and were recognized as loyal men; but at one time they were taunted with being Orangemen and Tories, and were called upon to come forward and supply the place of the troops which ought to have been, but which had not been, sent out to Canada. He should refer once more to the document before him, to show the treatment to which the loyal inhabitants of Canada had been exposed:—"The mode of proceeding adopted for keeping up and increasing this feeling is, by parading nightly, in the town of Montreal, large and organized bands of men, who, however, have as yet proceeded to no acts of violence or breaches of the peace; by inflammatory speeches at meetings; by seditious publications and resolutions of the central committees; by placing (in the most disturbed of the rural parishes) those who are loyal, and hold opposite political opinions, under a species of excommunication, and keeping them in dread of nocturnal injuries to their property; by burning in effigy those in higher stations, and by subjecting them to a kind of annoyance called a *charivari*, which is the assembling of a crowd before their doors, for the purpose of alarming them and their families at night, with uncouth noises, hisses, threats, and other manifestations of popular displeasure. Sir John Colborne, the Hon. Mr. Debartzch, and others, have been exposed to this kind of outrage, which in a recent instance, at St. Denis, in the county of Richelieu, was unhappily attended with loss of life and property."

This, then, was the way in which the loyal inhabitants of Canada had been discouraged, and who ought not to have been left, after the resolutions had passed, without powerful military support and co-operation. The noble lord might ask whether a military force had been required by the authorities in the colony. On that subject Lord Glenelg, in a dispatch sent out to Lord Gosford, in reply to the request of the noble lord that two regiments should be dispatched to Canada, said, that the doing so would be attended with greater inconvenience than any advantage that could arise from their presence. It was evident, however, that this was not Lord Gosford's opinion; for he said, so far from the presence of an additional military force there being attended with inconvenience, that the arrival of a regiment in Canada from New Brunswick had been attended with the greatest possible advantage. It was not the opinion of Sir John Colborne; for in one of the papers laid on the table that night, that gallant officer stated that the troops which he had sent for had not arrived, in consequence of the late period of the year, although three expresses had been sent to hasten their march. It was also generally understood that the militia could not be called upon to act, unless in case of war with the

United States. It appeared, then, that there had been a complete want of foresight, either on the part of the home or the colonial authorities, to pass resolutions influencing, as those of last year did, the state of Canada, and thus defying the power of the House of Assembly, and leaving the loyal inhabitants without adequate military support, and thus leaving to the machinations of the disaffected, an innocent and rural population, who were not of themselves disposed to revolt. Some might assert that they took a more enlarged view of the subject, and that no great evil would result from the revolt. He did not agree in this, although he believed that the insurrection had arisen from certain disaffected persons acting upon a naturally unsuspecting and quiet population: and he trusted that an end would soon be put to this insurrection; but it was the duty of the government to have prepared such a military force in the colony as to have discouraged the leaders from exciting the people to revolt. The information, however, as to the extent of the insurrection, as communicated by Lord Gosford, was by no means satisfactory or conclusive; for in one dispatch he stated, that the feelings of disaffection extended to so few that no alarm need be entertained; and yet, in one dated only in the next week, he said, that the communications with the troops called upon to act in the disturbed districts, and to put down this sudden and extensively-combined revolt, had been completely interrupted by the armed peasantry assembled on the line of march, and that the Queen's troops could not march without having an enemy on their flank and rear. After such evidence, would any one presume to tell him that blame did not rest somewhere? He agreed with an observation that fell from the hon. member for Kilkenny, who stated that blame rested with those who had drawn an innocent and harmless people into that which he believed to be a hopeless insurrection. Some palliation might by possibility be offered in a case where there was a reasonable prospect of success; but when those who excited the present insurrection saw what were the feelings of the British inhabitants of Canada, how great was the loyal attachment of the British race in that country, and how general was the feeling of loyalty in Upper Canada, which the hon. gentleman, however, had repeatedly said was disaffected—when the attempt at insurrection had been at once suppressed without the presence of any soldiers, all of whom had been sent to Lower Canada—what could they plead who, he must say, had manifested such ignorance of their prospects of success, when they involved an innocent population in such an insurrection as that of Canada? When he heard the hon. gentleman make such observations as had fallen from him, he happened to have his eye on the following passage from the report of the committee of the House of Assembly in Upper Canada:—"It appears, from letters of Mr. Hume, addressed to some of the ministers of the Crown, that he is desirous of representing himself as the agent, or, at all events, as being authorised to express the sentiments of the people of Upper Canada on the subject of their political feelings, and the public affairs of the province. Your committee are of opinion, that the honour and character of his Majesty's loyal subjects in this province require, that it should be promptly and emphatically declared by their representatives, that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes, to the British nation. The people of Upper Canada recollect that, in the year 1834, Mr. Joseph Hume addressed a letter to a correspondent of his, in this country, which, referring to his correspondent's recent expulsion from, and re-election to, the Assembly, contained the following treasonable language and advice:—"Your triumphant election of the 16th, and ejection from the Assembly of the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilised world, let their conduct and result be ever in view."

This was the language which, in 1834, the hon. member addressed to the people of Upper Canada; but how grossly the hon. gentleman miscalculated the feelings of loyalty of the inhabitants of the upper province, was manifested in the following passage from the same document:—"And when it is remembered with what indignation and disgust the publication of this detestable communication was received

throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea, that the person who had thus insulted them should be supposed by their sovereign and their fellow-subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments or represent their views on any subject, public or private."

But, supposing that the British legislature were to apply to Lower Canada the principle laid down by the hon. member for the city of London—supposing it right that the connection between this country and Lower Canada should be dissolved—still the indignity in the address of the hon. member for Kilkenny would place it in the power of the colonists justly to have reproached this country with desertion and pusillanimity. And who was the correspondent of the hon. gentleman, to whom he uttered and addressed this inflammatory language, advising him ever to bear in mind—ever to keep in his view—the struggles of the provinces of the United States? Why, it was that Mr. Mackenzie, who had made an ineffectual attempt upon the loyalty of the province of Upper Canada during the absence of the troops! Mr. Mackenzie might now say to the British legislature:—"I acted on the authority of the hon. member for Kilkenny; visit not, therefore, this delusion and its consequences upon me, the mere agent and instrument of the hon. gentleman, but rather visit it upon your own member, to whom I gave credit as being then a member for a metropolitan county, and, therefore, necessarily intimately acquainted with British feelings and views. I have been acting upon the advice received from the representative of Middlesex; and in apportioning the punishment to which I am subject for my misdeeds, remember his own emphatic declaration, that the real responsibility for the revolt rests not on the humble deluded agent, but on those who gave advice and uttered suggestions disparaging to the authority of their own country, and destructive of the integrity of the British empire."

Address agreed to.

JANUARY 17, 1838.

In the debate on Lord John Russell's motion for leave to bring in a bill, to provide for the temporary government of Canada—

SIR ROBERT PEEL observed, that as the hon. member for Kilkenny (Mr. Hume) intended to divide the House on the principle of the bill, he should at once state that he should vote for its introduction; but by voting for leave to bring in the bill, he did not thereby mean to imply that he gave his unqualified approval to the measure, the details of which had that night been explained to them by the noble lord. As the constitution of Lower Canada was at present practically suspended, it might be necessary to have some measure similar to a portion of the bill then proposed. Therefore, to so much of the bill as suspended the constitution of Lower Canada, and made provision for the temporary administration of the government of that province, he should not object; but he confessed he did not understand the other provisions of the bill as they were explained by the noble lord. He hoped that hon. gentlemen on both sides of the House, whatever might be their opinions on the subject, would consider well the provisions of that part of the measure which called together the assembly, which the noble lord described as a convention of estates of Upper and Lower Canada, for the purpose of providing for the future government of those provinces. He doubted the policy of the course involved in this proceeding, above all in the lower province, where men's minds were inflamed by what had so recently passed before them. He doubted the policy of discussing the provisions of a future constitution for the colony, when great excitement might naturally be expected to prevail. If they were anxious to bring about a union between the two provinces, he doubted whether it would be expedient or practicable to frame a satisfactory measure for the purpose at the present moment; he doubted whether the feelings of the different parties in both provinces were not in such a state of exasperation, that it would be inexpedient and almost impossible at present to bring about such a result. The noble lord, as a part of his plan for effecting this purpose, appeared to propose a convention of estates, having legislative authority, and being elected in a certain manner. As he understood this body, it was to be composed of three members of the legislative council of Upper Canada, and three members of

the legislative council of Lower Canada; these were to meet together, and they were to be aided by a certain number of persons having a representative character. They had a representative assembly in the upper province, and there might be no great difficulty in getting proper persons chosen there. He would not then say whether such a course was wise or expedient; but, while they suspended the existing constitution of Lower Canada, how could they get representatives from the assembly of that province to attend the convention? Did the noble lord mean to give to the governor of the province for the time being, the power of nominating persons to attend in that capacity? Then how were they to be nominated when the constitution was suspended? The noble lord proposed to suspend the constitution, and therefore representation, both legal and actual, would be put an end to; how then could the representatives be convened at the moment to choose persons to attend the convention, when they were about to suspend the constitution of Lower Canada? He confessed he did not understand from the noble lord what course was to be pursued; but any measure giving a form of representation, while the constitution was suspended and the province was under martial law, must be of a very anomalous character. Many parts of the measure proposed by the government would require much consideration on the part of the House; and he hoped that hon. gentleman of all parties would devote their serious attention to the subject. They should remember that this measure was nothing more nor less than an act of despotism, justifiable, in his opinion, from the steps that had been taken by parties in Lower Canada, but still an act of despotism, and it was useless and unwise to conceal the character of the measure. What he objected to in it was, that at the present moment they pretended to conciliate, by saying that a certain form of representation should exist for the purpose of forming a body to frame the future constitution. He thought that it would be much better to confine themselves to the necessity of the case, and suspend the constitution for a time, and not at present take steps to frame a new constitution. The proper course would have been, that the representatives of England should declare that they would make every inquiry, or direct inquiry to be made, so as to obtain adequate information for future legislation on the subject. He trusted that hon. gentlemen would not be led to mistake the nature of the measure. The noble lord, in introducing the bill, said that there should be an assembly chosen, which he would call the convention of estates, and that it should be composed of persons representing both provinces, and that this body should thus speak the sentiments and give expression to the feelings of the people of both colonies, and that they should assemble to draw up certain measures for the future government of those countries. The question was, when they were about to suspend the representative constitution of Canada, how these representatives to this assembly were to be chosen? Did the noble lord mean that the governor of the province should name the districts and the class of persons who were to choose these representatives? Did the noble lord mean to name the persons who were qualified to be chosen as representatives, or those whom he could accept if they were elected? Or did the noble lord mean that the governor of the province should at once name the persons who were to represent the province? If it was in any of these classes it was a mockery of representation. It would be infinitely better to guard against such a dangerous act as a precedent, clothed as it was in a character of liberality which it did not possess. If the bill contained provisions of this nature, he could not help feeling that they were called upon to come to a premature consideration of matters of this nature. He was most anxious to take steps to make provision for the future good government, and for granting a free and adequate constitution to Lower Canada, when the proper time came; but he believed that nothing could be more impolitic, or give rise to greater disasters, than the premature consideration of matters of this nature. He objected to this part of the measure on this ground, and also on the other ground, that the bill proposed that which was a mockery of representation, when the constitution was suspended and the representative bodies in the colony were no longer in existence. As the noble lord intended to move that the House should adjourn from that night until Monday, he would take that opportunity of asking the noble lord, the Secretary for Foreign Affairs, whether it was his intention to make any communication to Parliament as to the negotiations respecting the line between the state of Maine and the province

of New Brunswick? Very ample communications on the subject had been made by the government of the United States to the American Congress, and he thought that similar information should be furnished to the House of Commons as to the state of this important question.

Bill brought in, and read a first time.

JANUARY 22, 1838.

The Order of the Day for the second reading of the Lower Canada Government Bill was read, and the Bill read a second time. On the question that the Bill be committed, Mr. Hume moved that the Bill be committed that day six months.

A long discussion ensued, and the House adjourned.

JANUARY 23, 1838.

The Order of the Day for resuming the adjourned debate on this Bill having been read,—

SIR ROBERT PEEL said, he gave on a former night his cordial and unhesitating support to the address brought in by the government, pledging the House to the support of her Majesty, in her attempt (he hoped a successful one) to put an end to the revolt in the colony of Canada. He was now called upon by her Majesty's government to take into consideration a measure of totally a different nature—a measure for the suspension of the constitution and privileges of the people of an important province. It was his intention also, after mature reflection, but yet with great reluctance, to give his support to the proposition then under the consideration of the House. He gave his support to that proposition, because he found no safe alternative to which he could resort. If he had any doubt of the justifiableness of the proceeding—if he saw any other practicable mode of arranging the differences which had unhappily arisen between this country and her colonies—he should be induced to withhold his assent from the present bill. But he considered that it was justified, in point of equity, by the conduct of the House of Assembly of Lower Canada, and he saw in point of prudence no other course, which, under the circumstances, could be pursued. He should deeply regret if their justification before the House and the world rested on a minute inquiry into the acts and proceedings of the Canadian House of Assembly. It rested on the simple, plain, and intelligible ground on which he had given his support to the resolutions of last year. Five years had now elapsed since the popular Assembly of Lower Canada had wholly refused to make any provision for the carrying on of the civil government of the colony. Five years had now elapsed since the judges, the civil officers, and public functionaries, had been left without that provision, for the affording of which the faith and honour of the government was pledged. What course, then, was to be pursued? It was impossible to leave the public servants of the state, the judges of the land, and the other civil officers of the colony, without those salaries and provisions, the payment of which was required, not for English purposes, but for the due administration of the colony itself, upon which its success and prosperity depended. It was impossible that they could be left destitute for an indefinite period of time. Were the people of this country to undertake the charge of their support? Or upon whom was it to be thrown? The duty could only rest upon those who were interested in the performance of the local administrative functions. If the stopping of the supplies had been a fair and ordinary exercise of a legitimate and undoubted power, and was intended only to assert a principle, instead of being attended with such mischievous and fatal results, he would not, on that ground, support a bill for the annihilation of the constitution. The express ground, however, upon which they put it was this—"We will not pay the public officers. We will suspend the machinery of government unless you consent to bear the charge of your civil administration, and to make fundamental changes in the constitution." It appeared to him (Sir Robert Peel) to be an unjust and unfair condition to attach to the payment of the public functionaries. To refuse to bear the expense of its own administration unless the mother country would consent to make fundamental changes in the constitution, was a condition which would seem to justify the mother country, as the supreme arbiter of such rights and demands, to resort to violent measures for their repression. That is the simple intelligible ground on which to justify our interference. In point of public

policy, was there any other course? The law recognized the assembly and its powers; but a revolt had taken place. He did not think that a revolt justified a suspension of the constitution; that was not the necessary punishment of a revolt. We should have recourse to the execution of the laws, the employment of a military force, the apprehension and trial of the persons guilty of the revolt, and their punishment, if convicted. These were the legitimate steps to be taken for the punishment of a revolt; the suspension of a constitution was not the necessary legal punishment. But if the revolt had been aggravated by the assembly—if it had grown out of the assembly—that might create a necessity for suspending the constitution. There was only one of four courses to be pursued—there could be no other. They might call together the colonial assembly, and ask the counsel of that body. Would any one advise that? In the present state of public feeling in the colony, would any one advise that the present assembly should be called together, considering that a number of the members of the assembly were implicated in the affair (he did not say whether they were guilty or not); in these circumstances, would any one advise that the present assembly should be called? Would they, having called that assembly, *bona fide* abide by its recommendation? Would they merely call it for the purpose of offering an impediment to public affairs, and then dismiss it with contumely? Would they, then, and that was the next course, advise a dissolution of the assembly in the present state of the colony? He thought no prudent man could advise such a course. Would they, then, advise the course of leaving the present assembly in the possession of all its powers—of all the authority which it possesses, but suspend its functions, and not call it together, taking away by law the power that renders it necessary to be called together once a year? In such a case it would be necessary to obtain a power to carry on the local affairs of the colony, and also to give a power to the executive government to control the disposal of the public money, which would otherwise have to be voted by the House of Assembly. Now, it appeared to him that this was the most objectionable course that the House could pursue. It would be the greatest insult that could be cast upon the representative principle. It would be, in effect, to leave the assembly emasculated—possessing the mere shadow of its representative authority, whilst they annihilated its representative functions, and gave to a public officer the power to put his hand into the public purse, and to direct the expenditure of the public money. On consideration of these different courses which it would be competent to pursue, he had come to a conclusion adverse to the adoption of any of them. It appeared to him that, great as is the difficulty that might arise from the proceedings they were about to pursue, yet, upon the whole, considering the present state of public feeling in Canada—considering the present agitated state of the public mind in that province—considering the disposition which had been manifested on the part of the assembly, that it was not prepared to co-operate with the parliament of England in carrying on the local government of the colony, unless upon conditions to which the parliament declared it could not submit, he had reluctantly come to the conclusion that there was no other course which they could safely pursue, unless suspending the constitution of Lower Canada for a limited time, and making a temporary provision for such period for carrying on the government of that country. On this ground he gave his consent to the main and principal object of the bill, namely, the suspension of the constitution for a limited period, and the devolution of sufficient powers to the governor appointed by the Crown for the purpose of carrying on the affairs of Lower Canada. He omitted altogether from his consideration the person appointed by the Crown. He treated any one appointed by the Crown with that respect which he was bound to yield to the choice of the Crown, and with that respect which was due to the situation which the individual held. He would not allow any other than great public considerations to influence his opinion. He would withhold no power from the individual so appointed on account of any difference of political opinion; but whilst he was prepared to concede all just and necessary power, he would never consent to confer one iota of power beyond what appeared to be required by the nature and the exigency of the case. It would not become them, in the discussion of these important concerns, to be led away, by any consideration of the personal character of any individual, from the calm and deliberate view of the case, or to allow any such consideration to reconcile them to the extension of powers the most important that ever were confided

by parliament. Such considerations would ill befit the grave nature of such an occasion. In a matter of great emergency, personal character and the liberal opinions of a chief governor sunk into insignificance, compared to the great constitutional question at issue. Whatever powers were necessary for the effectual execution of the bill, he willingly conceded to the governor whom the crown appointed to execute its functions. He would enable Lord Durham, by the advice of certain councillors, to make such orders as were necessary for the local government of the country; but then he would not consent that Lord Durham should, with the advice of councillors so appointed by him, have any powers beyond what the temporary exigency of the case required. To that part of the bill which gave any such powers he should offer his most decided opposition. He objected to the giving any such powers to Lord Durham on the ground that it was an unnecessary and gratuitous violation of the constitution. If they asked him to violate a constitutional principle, and showed him a great necessity for it, then he might consent to it; for he had a safeguard, in the necessity, that it could not be drawn into a precedent; but where, under the pretence of mitigating the severity of the act, they, either in the preamble or the provisions, proposed other regulations which no necessity called for, and which touched upon constitutional principles, for which there was not a necessity, and which were therefore unjustifiable, then, he for one, was determined to expose the fallacy on which they rested their aggressions, and to lay bare the delusion on which the argument was grounded, and he was resolved to show that what they called a liberal measure, was, in reality, despotic and unconstitutional. He claimed from the House of Commons, he claimed from men of all parties who adhered to constitutional principles, support in opposing this portion of the bill, as not being justified by any paramount necessity, or by the exigency of the case. He should propose to omit from this bill that part of it which might be called a recognition by that House, that a certain assembly to be called by Lord Durham should have a representative character and capacity. He hoped that members would not allow themselves to be led away by plausible and specious arguments, grounded on a false assumption that he was endeavouring to render more despotic the powers given to Lord Durham. He hoped they would not be deluded by assertions of this nature until they had ascertained the intrinsic weight that belonged to them. Here was a bill suspending the constitution in Lower Canada. It annihilated the House of Assembly in that province, which represented the feelings of the people. Should he then call indirectly, as it was done in the preamble of this bill, any assembly summoned by the governor—an assembly representing the interests and opinions of her Majesty's subjects? Were hon. gentlemen thus to give, by their enactment, representatives to Canada? While they suspended the constitution, were they to have persons, so collected, assume the character of representatives of the interests and opinions of her Majesty's subjects? After suspending the assembly, and also after suspending every part of the act which gave a constituency to that assembly, were they to delegate to the governor of the province the return of members to that assembly? Were they to do this after they had suspended every constitutional right? Did they mean that the governor should call any such assembly which they could be disposed to acknowledge as representatives? Were they, the representatives of the people of England, to acknowledge any such assembly, disconnected as it must be from the people, representing the interests and feelings of any class of her Majesty's subjects? Oh! if the King of the Low Countries had done this—if he had declared that he felt it necessary to abolish representation in Belgium; that he meant to suspend the representative system there for two years; that all parts of it were in revolt; that in Belgium the constitution should be suspended; and then said that, in the exercise of his prerogative, he was determined upon carving Belgium into certain divisions, so that he must be sure of having those who were distinguished for their fidelity to him; and having established tranquillity, that he would call certain persons to advise him as to the interests of Belgium and Holland, and that they must be regarded in the nature of representatives for Belgium! If the King of the Netherlands had done this, their indignation would have overflowed! But what should we think of that hypocrite who, whilst he took away the representatives which the country already possessed, pretended that he would find better ones in their stead? But if all this was true as respected Lower Canada, what should be said of Upper Canada? Had

the inhabitants of the upper province done any thing to entitle them to be deprived of their constitutional rights? Was there any thing in Upper Canada which rendered the existence of a legislative assembly dangerous;—Upper Canada, of whose loyalty Sir Francis Head was so assured, that he ventured upon that, as he thought rash experiment, of removing every soldier from within its limits? That experiment had succeeded, however, and the upper province of Canada had, indeed, proved itself to be loyal and faithful in its allegiance to its sovereign. And was it to be said that a mere exercise of the prerogative of the Crown was to suspend the legislative assembly of Upper Canada? He entreated the House of Commons not to allow its estimation of the high character of the noble lord to whom these high matters were to be intrusted, to reconcile it to an unconstitutional principle, which, applied to the province of Upper Canada, was as indefensible as any thing ever propounded by any despot in Europe. Last year he had been called upon to agree to certain resolutions, proposed by the noble lord opposite, in reference to the Canadas, and had agreed to them. The last of those resolutions was as follows:—"That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest; and it is expedient, that the legislature of the said provinces respectively, be authorised to make provision for the just regulation and adjustment of such their common interests." At the instigation of the ministers he had voted that resolution, declaring that the persons best calculated to discuss not only the local interests of the respective provinces, but their mutual relations, were their own legislative assemblies; and, if he stood alone, he would never recognise any act giving the Crown a prerogative to suspend the constitutional rights and functions of the Canadians. He objected to it as a most dangerous precedent thus to call upon parliament to recognise such a prerogative, not by any direct enactments, but by a mere allusion in a preamble, and thus creating a confusion of prerogative and parliamentary enactments, to which no limits could be with precision set. What necessity, also, was there for it on the present occasion? If the government of her Majesty required new and extraordinary powers, let them be asked from Parliament, and, if necessary, they would be granted; if, on the other hand, the prerogative of the Crown was already sufficient for what they proposed to do, let them at once advise the Crown to exercise that prerogative in such a manner as the case required. But in the existence of any doubt upon this point, let them not, by any tortuous implication in the preamble to a bill, seek to obtain a parliamentary sanction for their proceedings. Let them consider to what such a course would lead. The existence of a prerogative in the Crown, for the exercise of which the ministers of the Crown were responsible, was assumed. Let her Majesty's ministers take upon themselves the responsibility of exercising it, and advise the Crown accordingly. Let them do this if they pleased; but he, for one, in the absence of all information on the point, and with the doubts upon his mind which he really entertained upon the subject, would not consent to be dragged into a participation in that responsibility which properly belonged only to the ministers of the Crown. He was prepared to have his motives misconstrued even upon this head. He knew it would probably be said of him that he wanted to prevent the Canadians from obtaining the advantages of a free constitution. He wanted no such thing. He believed that the subject was one which required mature consideration; but he did not believe that it would be possible to govern the Canadian provinces successfully, either with regard to their own interests or those of the mother country, or to the permanent connection between the two, without the establishment of a free constitution. Then, again, there was another point in this bill to which he must give his most decided opposition, namely, the power proposed to be vested in the Crown to repeal the Act by advice of the Privy Council. Of all the events which had taken place within his memory, embracing as it did a period of history in which constitutional principles had been more discussed than in any other of similar duration, he never recollected a proposition more unconstitutional and unjustifiable than this. If her Majesty's ministers called upon him to-day to pass this bill into a law, he would never recognise a power in the Crown to repeal that enactment. If a constitutional principle of such magnitude and importance were to be admitted, that an



act passed by Parliament could be repealed at pleasure by the Crown, there was no knowing to what it might lead hereafter. Besides, the very clumsy manner in which the whole bill was drawn up, but remarkably so in this clause, showed that the framers of the measure themselves did not very thoroughly understand to what extent they wished the principle to be carried. The marginal abstract professed to give this power to her Majesty in council, "when Parliament was not sitting," but the enacting part of the text omitted this restriction, and gave her Majesty the absolute power to repeal the act at all times, and under all circumstances. For his own part, however, he cared not for the distinction as to whether Parliament were sitting or not, he would never allow the Crown a power to suspend, not merely a few matters of detail in an Act of Parliament, but absolutely and entirely to annihilate that very enactment which had been passed by the three estates of the legislature. No: if Parliament were to be called upon to pass this act, suspending the constitutional rights of the provinces of Canada, at least let it also have the graceful task of restoring those high privileges when the happy occasion for so doing presented itself. Let it not be said that those privileges were forfeited by law and restored by prerogative. To have that said would be an advance in unconstitutional principles, the contemplation of which should make the House pause before they gave their sanction to the first step which might lead to it. There was another point also to which he could not but allude. It was proposed to be enacted that when the governor-general had called together the council, which was to assist him in passing the measures which might be necessary for the adjustment of the affairs of the two provinces, no one in that council but himself, who had just arrived from England, should be allowed the privilege of proposing any such measures for adoption. Now he could not see upon what pretence such a restriction upon the powers of the councillors should be passed. The council was to have the power of making laws, but no one but the governor-general was to propose any. No one could open his lips with the suggestion of any; for if he did so, the measure he suggested would become invalid, if passed. The only man, in short, who was to propose any thing on the subject upon which they had all met to deliberate, was the very one amongst them who, having but just landed from England, might be supposed to be least informed of any on the practical details of these great interests. Now, it appeared to him that if the governor-general had been invested with the power to elect this council and to dismiss it at pleasure, there could be no possible necessity for tying up the hands of the councillors in the way proposed. He would not enter further into these details at present. He had thought it right to give this full notice to the House of the amendments which he intended to propose in this measure, in order respectfully to beg hon. members not to pledge their opinions in favour of these propositions, merely upon the consideration of the feelings of confidence and respect which they might entertain for the noble lord into whose hands these high and peculiar powers were to be reposed. This bill was limited in its application for two years, and he should readily assent to any suggestion which might be adopted for giving the Canadians a restoration of their constitutional rights. All that he objected to was, that the Crown should have the power of suspending absolutely and without limitation the provisions of the most solemn and important act passed in his time. Sir, (continued the right hon. baronet), in the course of the debate, express reference has been made to me by the hon. member for Lincoln (Mr. Bulwer), in reference to that part of the subject which has occupied a portion of the speech of the right hon. gentleman the Chancellor of the Exchequer. And I must say, that, giving that right hon. gentleman credit for the acuteness and ability which he is known to possess, and being perfectly satisfied that he introduced to the notice of the House every paper which could support his case, and being aware that he filled the office of Secretary of the Colonies, and must be well versed in its affairs—if the statement which he made be intended as a defence of the government against the charge preferred by my hon. friend, the member for Newark, it was a lamentable failure. The right hon. gentleman says, "We have at least this satisfaction, that the charge preferred against us is not that of precipitation and harshness, of tyranny and severity—the whole charge against us is, that we have pushed to excess the principles of lenity and conciliation." Sir, the hon. gentleman is not at liberty to prefer an indictment against himself. The charge is not, that he and his colleagues have pushed the principles of

lenity and conciliation to excess, but it is this—that they have spoiled their conciliation and neutralized their vigour by the nature of their proceedings. It is, that they have never been either consistently conciliatory, or consistently vigorous. The right hon. gentleman and the hon member for Lincoln seemed to imply, that on the military part of the question, the government received a complete acquittal from my noble friend the Duke of Wellington. “Here,” says the right hon. gentleman, “is the highest military authority in this country, and he has pronounced that we are completely justified in all our proceedings respecting the augmentation of the military force in Canada.” Why, Sir, I think my right hon. friend is mistaken as to the testimony of the Duke of Wellington. My noble friend, I believe, did state that the government had ample force in Canada for the purpose of suppressing any revolt; but I am much mistaken if my noble friend did not state this charge, which he preferred against the government, namely, that when you had given directions to the governor of the Canadas to withdraw troops from New Brunswick and Nova Scotia, the navigation being there open, you did not take care to send other troops thither; and, Sir, after the high and merited compliment which the right hon. gentleman has paid to my noble friend, if that was the charge which he preferred against the government, that, the navigation being open, although there was a sufficient number of troops in Canada, yet still you compelled the withdrawal of forces from Nova Scotia and New Brunswick, which you might, and ought to have supplied by fresh augmentations, let me tell you, that the high military authority which you have cited, so far from being liable to be pleaded as a vindication of your conduct, constitutes a strong accusation against it. But, as has been just said in the very able speech of the hon. member for Newark, this is not a military question. This is a case of which every civilian is competent to judge, namely, whether or no, after the resolutions of last year and the state of the public mind in Canada, every rational man must not have believed that, on the arrival of these resolutions, public excitement must have been aggravated, and that it was a time to take the additional precaution to send such a force as must, beyond doubt, suppress revolt? This, then, I want to know, whether you did send such a force to Canada as might intimidate the disaffected, calm the apprehensions of the timid, encourage the loyal, and prevent that outbreak of popular violence and that unfortunate shedding of blood which has unhappily occurred? Why, Sir, when we see Lord Gosford and Sir James Kempt bestow praises, which I echo, on these poor Canadian people—when we see them dwell on their honesty, simplicity, and industry—on their contentment with British rule, and their attachment to British connection—and when we read that of this same people, there were (necessarily, I believe,) killed 200, and 300 wounded in one village (that is, 500 in the whole killed and wounded; for one gentleman stated that he counted 157 dead bodies, and that there were 300 wounded, besides several others dead), then I have a right to ask, might any precaution be taken which could have prevented such a lamentable loss of life? I rejoice, as every well affected subject must, at the triumph of the law and the success of the Queen’s troops; but I have no such feeling with regard to that victory, as if it had been achieved in a righteous cause over the open enemies of the country. When such a slaughter is found necessary or justifiable, the occasion which gave rise to a conflict leading to such calamitous consequences is deeply to be lamented; and if, by a timely supply of troops, you might have averted that melancholy necessity, then, I maintain, there were rational grounds for believing that the necessity might occur, in consequence of the activity and delusion practised by the leaders of the Canadian people, and that it was the duty of the government to overlook the miserable (comparatively speaking) consideration of the inconvenience of a military demonstration, and by a timely display of force to prevent the desertion of the well-affected and encourage the fearful—it was, I say, your duty to manifest such a determination to support the authority of the British Crown, and to maintain the British connection, as to deter designing men from practising on the simplicity of a loyal and well-conducted people. So far from exposing yourself to the unjust reflection of having acted in a severe and tyrannical manner, you would have secured and deserved the compliment of having made a merciful demonstration of vigour. Why, if on looking to the papers before the House we see what my hon. friend, the member for Newark, pointed out in a dispatch, that there were two sentences con-

ficting in opinion, in one of which it was stated that there was no danger of commotion, and in the other, that the suspension of the constitution might be necessary, and that this discrepancy was met by the right hon. gentleman's argument, that the statements were consistent and distinct, inasmuch as there might be a suspension of the constitution and no apprehension of commotion, what will the right hon. gentleman say, if I be more successful than my hon. friend, and find two contradictory opinions in one sentence which I shall read? Here it is: "As I stated in my former letters, I do not expect any serious commotion; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as Mr. Papineau, it is impossible to set limits to the extent of mischief they construct." Thus it is stated that the noble lord (Gosford) saw no reason to apprehend the suspension of the constitution, or any chance of any commotion, and yet he adds that it is "impossible to set limits to the extent of the mischief they may construct." It appears to me, that there were special and peculiar reasons connected with that province which made the event which has taken place not at all improbable, and called for an energetic course of proceeding in preventing it. What says Lord Gosford? "The jealousy that exists between the two origins is also a powerful instrument in the hands of a convention, or central committee, as before alluded to, and corresponding, as no doubt they do, with various parts of the province. The two extremes are doing incalculable mischief, and must disgust every friend to liberal measures." This being the impression of Lord Gosford, why was not an attempt made to send such a military force as would have prevented the necessity of making blood the boundary line which was to divide the inhabitants of French and English origin. But what has been the consequence? You have been obliged to call out volunteers. Was there ever an instance in which it was so essential that the enforcement of the civil authority should be intrusted to the military force, and in which the government should have abstained until the last moment, and when it became absolutely indispensable, from relying on the suppression of this revolt by the aid of one party so inflamed as it was against the other? The right hon. baronet went on to state, that they had sent out last year resolutions which it was evident would aggravate the excitement in a tenfold degree. Therefore he said, with respect to a military force, they had neutralised their vigour by the proceedings which they took to sustain it; and he must also say, that their conciliation lost much of its grace by the tardiness and delay with which it was displayed. Now, to give a proof under that head. They invited the House to be parties to certain resolutions, ten in number, the most important of which was the eighth; but they did not accompany this demonstration of vigour without some compensation in the shape of promises. The House was invited to accede to two resolutions, one of which stated, that it was inexpedient to make the legislative council elective, but that it was advisable that measures should be adopted for securing to that branch of the legislature a greater degree of confidence; and the other resolution stated that, while it was extremely desirable to improve the composition of the executive council, it would be unwise to submit it to the responsibility demanded by the House of Assembly. Now, would it not have been advisable, when they communicated to the House of Assembly the measures of violence, that they should also have communicated to the House of Assembly the perfection of those measures of grace with which they were to be accompanied? If they were not ready with those measures for the improvement of the council, why not suspend the meeting of the House of Assembly until they were ready? Why leave it to the governor, after he had apprised the House of Assembly that the House of Commons had determined to take their money—why leave it to the governor to make the unsatisfactory communication, that he was sorry to say that he had nothing positive to communicate about the improvement of the legislative or the executive council, but that measures of improvement were under consideration? Would it not have been rational to have postponed making this communication until the governor could lay before the House of Assembly the series of measures of improvement which he had to propose? It would have shown them that the House of Commons, when they consented to measures of necessary violence, was not so irritated as to refuse at the same time measures of redress. When ministers communicated their intention to take the money, they should have also taken into consideration the improvement of the executive council, and they should have made known the names of the men

whom they meant to propose. Could they state any valid excuse for not having done so? He had looked through the despatches of Lord Glenelg on this subject, and he found them the worthy echoes of those of Lord Gosford. He found in the series of despatches many declarations, that there was now no time for vacillation, that they must now be vigorous, that there must be no further delay; there were endless demonstrations of this sort, but the only real demonstration of promptitude and vigour was, the acceptance of the resignation of the governor. Talking of resignations, was it true that Sir F. Head had been recalled? Canada was conspicuous for the recall of its governors. Sir J. Colborne had been recalled from Upper Canada, Sir F. Head had been recalled from Upper Canada, Colonel Arthur, who had been recalled from Van Diemen's Land, was to proceed to Canada, and Lord Gosford had been recalled from Lower Canada. It had been said, and certainly with truth, that one of the greatest evils in the administration of the affairs of the colony consisted in the succession of its governors; for the moment they were becoming acquainted with the local interests of the colony they were removed. If this was an objection at all, it applied with quadruple force in the case of our North American provinces. With respect to the executive and legislative councils, they had sent out three commissioners to Canada to make inquiry. They had made their report with reference to the executive council, and they stated the principles upon which various improvements might be made in the council. This was in 1836, and on the 14th of July, 1837, Lord Glenelg stated, that no delay should occur in acting on the report, and that he had no serious doubts respecting the wisdom of the suggestions of the commissioners. If there was no doubt, why not call upon the House of Commons to pledge itself to the improvements last year? Eighteen months had now elapsed since the subject had been brought under consideration, although in July, 1837, Lord Glenelg had no doubt respecting the wisdom of the suggestions contained in the report. And what was the cause assigned? It was the difficulty of getting men to fill the office. For eighteen months there was no doubt about the propriety of the thing; the whole doubt and difficulty was in getting the men. Lord Glenelg, however, said, that it was impossible to acquiesce in any further delay, and what did he do? To prevent mistakes he sent out to the commissioners an extract from their own report. He sent out to Lord Gosford, who was one of the commissioners, an extract from his own report; he told him to act upon the principles therein contained, to seize the first nine men he should meet, and to swear them in as councillors. It seemed to him, that if they wanted to afford a plausible justification for disaffection, the course pursued respecting these councils was well calculated to afford it to men who were not looking for real grievances, but for plausible grounds to make out a case of oppression. Eighteen months they had been in possession of the principle—there was no doubt entertained of the wisdom of the suggestions in the report—they asked the House to concur in measures of severity; but when measures of improvement were mentioned, the answer was, that they intended to propose them, but they were not yet ready. There was repeated mention in the course of the despatches of Lord Glenelg of the great importance of some definitive measures; but this was another instance in which conciliatory measures had been spoiled and prejudiced by delay. He therefore thought that this established his charge, that the government had not acted with lenity and forbearance; but that, in point of fact, a demonstration of timely vigour would have been true lenity and forbearance. He did not complain of the concessions that had been made. He believed, that they afforded an ample proof that in the course they had adopted they had met the justice of the case. He believed that the feeling of the United States, of Europe, and of the world, was, that they had done justice. He believed that the general impression was, as was said by an hon. gentleman, that in no other country in Europe, whether free or despotic, had greater moderation or forbearance been shown than by Great Britain during the continuance of this contest. But this forbearance was neutralised, as far as the conduct of the government could neutralise it, by neglect, delay, and by the want of vigour and precaution; and he must say, that he did think, looking at the papers before the House, that for this outbreak in Canada, and for the state of mind in Canada which had led to this outbreak, for the false reliance that had been placed upon the support from this country, he did think that her Majesty's government were morally and deeply responsible.

The House divided on the motion for going into committee:—Ayes, 262; Noes, 16; Majority 246.

JANUARY 25, 1838.

Lord John Russell proposed that the House should go into committee *pro formâ* on this Bill.

On the question that the Speaker leave the chair,—

SIR ROBERT PEEL said, that it was his intention, notwithstanding what he had just heard, steadily to adhere to the course which he had on a previous occasion stated his intention to pursue, because he was satisfied of the justice and the reasonableness of the propositions he had made. If he had entertained a doubt upon the subject (which he did not) before the declaration of the right hon. gentleman opposite, (Mr. Ellice), who from personal and local knowledge was well qualified to form an opinion of the interests of Canada and of the real nature of the Canadian question, and who, this night, had made a speech confirming in every respect the impressions which he (Sir R. Peel) had formed of the right hon. gentleman's competence to judge in the matter, that doubt was removed, for the right hon. gentleman had (he would not say it was extracted from him) borne a willing testimony to the reasonableness and justice of his (Sir R. Peel's) propositions. Confirmed, therefore, by the sentiments and opinions expressed by the right hon. gentleman—not that he hesitated or wavered before—it was his intention to adhere to the course he had already stated: he should neither, on the one hand, be tempted to depart from that course which in the present great emergency he believed to be just, for the purpose of conciliating the support of those who entertained political opinions to which he was opposed, nor should he weaken the support promised to the Crown, in order to suppress revolt, by selecting out some point on which men of different opinions might concur; but he would not permit the vague intimation of the noble lord as to the consequences of the success of his views and opinions to prevail on him to depart from his course. On the first night of the present session he had given his support to the address to the Crown, pledging the House to support the Crown in the suppression of revolt and insurrection; that address had been carried by an immense majority, none of those with whom he had the satisfaction to act, refusing their support to that address. Another proposition had since been made by her Majesty's government, requiring the consent of Parliament to a bill, vesting in the hands of the governor-general of Canada great arbitrary authority. The government intimated the name of the governor-general whom they had selected, and his declaration had been, that he should pay all respect to the position of the person chosen by the Crown to administer those functions; that he forgot all political differences with Lord Durham; that he would give to that noble lord every authority necessary for the execution of the trust, that he would give to any man whose political opinions were in close alliance with his own. He had further said, that he would consent to a suspension of the Canadian constitution, but that he did so with great reluctance. Now, nothing could have been easier than for him to have found some reason to withhold his assent to that suspension. Nothing could have been easier than for him to have agreed with hon. members opposite to try the House of Assembly once more for a short time longer; but no. Believing it to be right not to run the risk of calling together the present assembly, he had given his cordial support, and those with whom he acted gave their support (some certainly with doubt and hesitation,) to the great object of this bill, namely, the suspension of the Canadian constitution, and the devolution of sufficient power to the governor-general appointed by her Majesty's ministers for administering the functions of the government and legislation of that colony. Such was the course he and those with whom he acted had pursued. But he would go further and say, without caring for himself, or caring for consequences, he would go into the details of that measure in committee, and he would there propose such amendments as he thought would make the bill more conformable to justice. If he found that the bill gave to the governor-general powers that were unnecessary for the full, proper, and efficient discharge of his duty, he would in that case recommend an entailment of those powers: if, having consented to an act of extreme rigour—namely, the suspension of the free constitution of a populous province—he found in other clauses of the bill an unnecessary violation of constitutional

principles, he should withhold his assent, and do his best to induce the House not to sanction it. The principle to which he adhered, and upon which he should act, would be to discourage revolt, to enable the Crown to suppress insurrection, and to make ample provision for the conduct of the government after the constitution was suspended; but he could not agree with the right hon. gentleman opposite (Mr. Ellice), that any public object could be gained by any understanding or compromise between parties, in order to avoid a division. Let those on his side of the House suggest and propose their amendments, and let those amendments be adopted or rejected, according to their justice or reasonableness; but it would not answer either the views of the right hon. gentleman or of himself, that the general assent of the House should be purchased by any compromise, or that he and those who acted with him should have the appearance of acquiescing in that which they believed to be unjust and impolitic, for the purpose of encouraging an impression in Canada, that the House of Commons were united in opinion, when the fact was otherwise. He would tell the noble lord fairly, that his objection to the preamble of the bill was not a mere objection in point of form; he thought it certainly to be most unwise to mix up in the preamble of a bill a recognition by Parliament of any act done under the prerogative of the Crown. He thought it was quite right that the Crown, being satisfied as to the necessity of exercising certain powers, should do so, and then apply to Parliament for its justification. If the law were defective, and that it was impossible to act without the intervention of Parliament, then let application be made in that respect, and if aid was withheld, then let the Crown either retain or relinquish the government under whose advice that application was made; but he certainly did object to the confusion between the prerogative of the Crown and the functions of Parliament, which was implied by the recognition beforehand of a certain act to be done by the Crown. It was a precedent, not only dangerous, but one which might be perverted to the worst purposes, and which might relieve the Crown and its advisers from the responsibility which they ought to take, and thereby lead to confusion between the different branches of the legislature. On that ground he objected to the preamble. He had not proposed to move the simple omission of the words in question, but he should propose the substitution of others, by which he intended to imply, that Canada was not to be governed by despotic authority, and that the only hope to govern the North American provinces was by the intervention of a constitution founded on free representation. But, independent of the objection in point of form, he avowed that he entertained great doubts as to the policy at present proposed; he objected beforehand, and without further information, to give his sanction to the measure as it stood. He had already distinctly said, that he would impose no restriction on the prerogative of the Crown, but, in the absence of information, and in the state of feeling which existed, he did claim for himself and others, that they should not be called upon to sanction any particular instructions which in the exercise of the royal prerogative had been given to the governor-general. If he did give his sanction to those instructions, he should be placed in the situation of a responsible minister of the Crown, and be a participator in the responsibility of the ministry. Did he doubt that it might be right that Lord Durham should collect information from all quarters—did he doubt that it might be advantageous that the state of feeling in both the Canadas should be ascertained? Not at all; but he was not prepared to say, that it was fit and proper for the House of Commons to prescribe to Lord Durham the mode in which he should take that information—he was not prepared to say that a certain assembly should be called together now, or in the next year, or that, in the state of exasperated feeling which existed in that province, the assembling of constitutional bodies in great numbers, and that the two Canadas should be brought, if not into a collision, at all events into contact, was a wise measure; neither was he prepared to say, that, having suspended the whole representative principle in Lower Canada, (and these were sentiments in which those hon. members who were opposed to him in politics, must concur and affirm,) ten men, selected from five districts in Canada, would be a full, fair, and free representation of the people of that colony. He knew nothing whatever of any representative system in Canada, except that which was by law established, and which they were now about to suspend. The House of Representatives consisted of eighty individuals at this moment, who were the only recognised organs of the sentiments enter-

tained by the inhabitants of Lower Canada. The propriety of suspending that assembly in the exercise of its legislative functions, was the question now proposed to the consideration of the House; but he certainly could not consent to the declaration, that ten persons, selected from five districts by the ordinance of the new governor, in pursuance of a new mode of election established by him, and with a newly-constituted tribunal for settling those disputes, which would probably arise as to the eligibility of the individuals returned, and the legality of their election—he never could be brought to allirm, in the words of the preamble of the bill, that the persons so selected would constitute a fair and a fitting representation of the sentiments of the Canadian people. He never could believe that the members of the British House of Commons, who, in a constitutional point of view, were the guardians of the representative principle, could consent, through the agency of this bill, to the abolition of that representative system, which the constitution of both Canadas had established, and at the same time give their sanction to the declaration, that ten persons selected in the proposed manner would form a fair and fitting representation. This was a point with reference to which he relied with much confidence upon the support of the House. Upon this ground, therefore, he objected to the principle of the measure. When Lord Durham arrived in Canada, he might possibly find it practicable to carry the proposed arrangement into effect; but if he (Sir R. Peel) were asked beforehand, whether, in a province in which martial law was established in many districts—in which rebellion had been only just suppressed—if he were asked whether it would facilitate the adjustment of the important interests—the settlement of the vital questions at issue—to take twenty-six gentlemen, six of them chosen by the governor from the members of both legislative councils, ten of them elected by the inhabitants of Upper Canada, whose feelings and interests were directly opposed to those of the people of Lower Canada, and to give them a majority of sixteen to ten, composed of individuals known to be opposed in feeling to the inhabitants of the lower province—he would at once declare that he was not prepared to answer in the affirmative. He was not disposed to place any restriction on the authority of the Crown, neither was he actuated by any unworthy desire to embarrass those with whom the responsibility rested; but he must protest against an independent member of the House of Commons, like himself, owing no relations but those of a faithful representative of his constituents' opinions, and an eager solicitude for the preservation of the constitution in its integrity, being called on to become a party to the establishment of such a representative principle. Might he not contemplate this result, that the people of Upper Canada would refuse to comply with the proposed regulation—a result which did not appear at all improbable, considering that the inhabitants of that province had at the present moment a Legislative Council and a House of Assembly in full activity and numbers, sitting and discharging legislative functions, under the sanction of an act of Parliament? Suppose that the people of Upper Canada were to say, "We won't agree to the proposed arrangement—we can't consent to part with our legislature, which holds its sittings upon the faith of an act of Parliament, and exchange it for a representation composed of three persons selected from one legislative council, and ten individuals named by the people—we will not run the risk of parting with our legislature even for a time." Assuredly, when he saw by the instructions contained in the dispatch of the noble lord, the secretary for the colonies, that the committee which it was proposed to appoint, would be not only empowered to take into consideration matters involving the interests of both provinces, but that to the thirteen members furnished by the province of Upper Canada would be intrusted, conjointly with the other members, the power of regulating the domestic concerns and the future political institutions of the province of Lower Canada, he could not refrain from entertaining strong doubts as to whether the suggestions which they might be disposed to offer would be acceptable to the inhabitants of the lower province. If the government desired it, they might press the arrangement, but they must take upon themselves all the responsibility, and he must refuse to be a party to it. In this, therefore, as well as in other matters connected with the subject of that night's debate, he would propose such amendments as might suggest themselves to his mind as just and desirable. Notwithstanding the observations of the right hon. gentleman (Mr. Ellice), he must persist in the expression of his opinion, that the power which it was proposed to concede to Lord

Durham, of appointing to the committee the six members of the legislative council, was a power which it was neither judicious nor proper to extend. If, however, the hon. gentleman could convince him that it was right to concede this power, he would not insist upon pressing his amendment which referred to that point. He had not the slightest disposition to propose any amendment tending to deprive Lord Durham of any powers which were necessary for the proper discharge of his functions. But he would steadily pursue that course of which his judgment approved, in submitting to the House such amendments as appeared to him to be conformable to reason and justice—such amendments as would prevent this bill from establishing a dangerous precedent, or introducing any principle which was at variance with the spirit of the constitution—such amendments as would preclude the devolution upon an individual of any powers which were not necessary for the settlement of the disputed questions, and the reconciliation of the conflicting interests. He should press his amendments, and it was for the noble lord to consider well the course which it was most proper for him to pursue.

JANUARY 26, 1838.

On the motion of Lord John Russell, the House went into committee on the Lower Canada Government Bill.

SIR ROBERT PEEL: Sir, when I first became possessed of the bill of the noble lord for making a temporary provision for the government of Lower Canada, I availed myself of the earliest possible opportunity of giving public notice, that there were two provisions in that bill to which I entertained insuperable objections; and that it was my intention to move amendments to those provisions, and to take the sense of the House for the purpose of having the deliberate decision of parliament on the subject. I took the course—rather an unusual one—of giving notice of the amendments which it was my intention to propose, for the express purpose of disclaiming any advantage from concealment, and of enabling the noble lord to take the measures which are usually taken on important questions, to secure such an assemblage of members as should clothe the decision of this House with the important character of numbers. From the first, I never entertained the slightest doubt that I should succeed. I felt so satisfied that the amendments which I intended to propose were founded on reason and common sense, that I paid the House of Commons the compliment of believing that they could not resist the adoption of them. And when I heard hon. gentlemen on the other side say, that the very words in the preamble to which I objected, constituted in their eyes the chief, if not the sole recommendation of the measure, and when I read in the organs of government, denunciations of my motives and feelings, my confidence in ultimate success was not in the slightest degree diminished. Nay, when I heard the noble lord last night say, in speaking of my objections, that if they were objections of form he would withdraw his opposition to them; but that if they were objections of substance, he should feel some difficulty on the subject: and when I thereupon declared that my objections were not objections of form, but objections of substance, still my confidence in the reasonableness of my proposition was not in the least abated; and I felt perfectly satisfied that either by the vote of a majority, or by the voluntary adoption of my amendments on the part of the government, reason would prevail, and the objectionable clauses would be struck out of this bill. Sir, my conscience has been justified by the result; for I understand the noble lord to declare, that he is prepared to adopt, without qualification, the propositions I have made. It is, therefore, wholly unnecessary for me now to declare what my own views and intentions are. To preclude misconception, however, I will add, that I did not propose to move for the simple omission of the preamble of the bill, but I expressly stated what was the substitute I proposed, that in lieu of the preamble of the noble lord, there should be inserted words to this effect:—"That temporary provision should be made for the government of Canada, in order that parliament might be enabled, after mature deliberation, to make permanent provision for the constitution and government of Canada." I did not say, for the government merely; and I inserted the word "constitution," expressly to imply that the government should be a constitutional one. I added, "that the basis should be a permanent one," and also, "that the basis should be one which would secure the rights and liberties, and promote the interests of all classes



of her Majesty's subjects." By using the words "interests of all classes of her Majesty's subjects," I did mean to claim for parliament the right of taking a comprehensive view of the whole subject, of considering the claims of British subjects, and of providing, by the establishment of a representative system, for the protection of British property and feelings. By the words "rights and liberties," I expressly meant to imply that every right which the French Canadians now possess, either by capitulation or by treaty, should be strictly preserved to them—that those rights in respect to religion, and in respect to every peculiar privilege derived from capitulation or treaty, should be preserved to them. I also intended to imply, that the French Canadians and the British Canadians by birth should be secured in the enjoyment of a free constitutional government, founded on this basis; that while it was a government established on free and constitutional principles, it should also be a government possessed of the means of defence in any case of emergency, and of providing in every respect for the good government of Canada. There can be no common interest between all parties, unless such a government be established. It cannot be expected that we should undertake a charge of defending the colony in time of war, unless we are assured that there is a disposition existing in it to cultivate our connection; and, if our interests are endangered, to sacrifice all minor considerations to their support. I do not now think it necessary to refer to the amendment which I proposed, and which was framed expressly for the purpose of comprehending the views which I have just explained. The noble lord has entered (in my opinion, somewhat unnecessarily,) into his views of the principles of policy upon which Canada ought to be governed. In some respects I entirely agree with the noble lord. It appears to me to be most important that the British government should appear in Canada in an amiable light; that it should appear in the light of an arbiter between the contending parties. I am not disposed to leave the arrangements which it will be necessary to make, to persons who are in a state of exasperation; exasperation, to a certain extent perhaps, just and excusable, but still exasperation. Sir, it is because this is my opinion, that I think the British government in Canada ought to have been placed in such a position as to have been enabled to enforce its own policy, and to have maintained a due respect for the dignity of the law, and for the honour of the Crown, not by the voluntary exertions of the inhabitants, however laudable, but by a British military force, disclaiming all participation in the feelings or views of either party, and solicitous only to maintain the legal and constitutional authorities. Sir, it is because I agree in the noble lord's present policy that I am disposed to condemn his former policy with reference to this subject, and to express my surprise that the noble lord did not foresee the great probability that the resolutions to which we agreed last spring, might, on their reaching Canada, occasion an outbreak of party feeling, and produce an excitement and violence, the only way to allay which would be a temperate exhibition of strength on the part of the government. The noble lord says—taking a different view of the subject from that which he took yesterday—that as no inconvenience will arise from the omission of the words which it is now proposed to leave out of the bill, no reflection can be cast on her Majesty's government for the course which they have pursued. "But," adds the noble lord, "if you object to our policy, it is your duty to propose a vote of censure upon us." Now, my principle is, that we have nothing whatever to do with the policy of her Majesty's government on this subject. I am not to call in question the exercise of the royal prerogative in the appointment by the Crown of the Earl of Durham as Governor-general of Canada. That noble earl has been selected by the Crown for that situation; and, Sir, I know too well the importance of maintaining the prerogatives of the Crown, not to check the first attempt to call in question, without a very grave necessity indeed, the exercise of such a prerogative. I shall act consistently with the same principle with reference to the instructions which have been given to Lord Durham by her Majesty's government. I will not notice those instructions. I will not recognise them. I will propose no vote of censure upon them. For, were I to do so, and were I to select the parts in which, in my opinion, we ought to concur, and parts which, in my opinion, we ought to condemn, I should place myself, a mere member of parliament, in the situation of an adviser of the Crown. If I exercise the right of unqualified censure and condemnation, I ought to exercise the right of qualified censure and condemnation; and in detailed instructions it is in-

possible that every part should be equally open to remark. Now, what would be the consequence of that? That I should claim for the House of Commons a participation in the exercise of the prerogative of the Crown; and a most dangerous precedent it would be, if we were thus to pronounce *à priori* an opinion on the policy of government. So I tell the noble lord that he need not expect that any vote of condemnation will proceed from me. I abstain from that vote on the same principle with reference to the instructions which have been given to Lord Durham, as that on which I abstain from it with reference to the bill under our consideration. As to the instructions themselves, I do not think we ought ever to have seen them. I will in no shape by any public proceeding contract any responsibility on the subject; but it may save time, if I tell the noble lord that I hold her Majesty's government entirely responsible with reference to it, and that my being in possession of the instructions in question, and yet maintaining silence upon them, in no way renders me responsible. I retain the right of questioning the policy of those instructions as if I had never seen them; and still more, I declare, as far as my private opinion is concerned, although I do not mean to record that opinion by any vote, that of all the public documents I ever met with, I think that these instructions to Lord Durham are the most eminently absurd. In the first place, let me ask hon. members if they do not think it would have been more consistent with common sense, to have waited until the last moment of the noble earl's remaining in England before communicating to him those instructions. If, Sir, I had determined on adopting a different course, I should have proposed a kind of *contre-projet* to the instructions, commencing with some such terms as these:—"My lord, I have postponed until the latest moment giving your lordship any instructions with respect to the course and policy of your proceedings in Canada. I have waited for the latest arrivals from that colony, in order to ascertain by them what is the existing condition of Canada, what are the opinions of various persons with reference to that condition, and what are the best means which offer themselves for securing the object of your lordship's mission." But even now, if I were to address the noble earl officially on the subject, I should say, "As parliament has thought fit to intrust to your lordship immense powers, *à fortiori* I think it is incumbent on me to leave your lordship at liberty as to the mode of exercising your powers on your arrival in the colony. So far from fettering your lordship, who will not sail until the 1st of April, with instructions dated on the 20th of January, instructions implying a total want of confidence in your own means of obtaining information in the country, and dictating to you how many advisers you shall collect from this council, and how many from that; how many from Upper Canada, and how many from Lower Canada, I content myself with stating to you generally the object which her Majesty's government have in view, having full confidence that when your lordship arrives on the spot where your operations are to be carried on, you will soon be much better qualified to give effect to our intentions than we can be qualified at present to instruct you." Would it not be more consistent with common sense thus to leave Lord Durham to act according to the dictates of his own judgment when he arrives in Canada, and when he is put in full possession of the existing state of affairs in that colony, of which it ought to be presumed that he will be a competent judge, than to embarrass him with these previous instructions? When the noble lord opposite, therefore, challenges me to give my opinion of these instructions, although I will not put that opinion in a formal shape and place it on record, I am perfectly ready to declare it, and to offer it to the noble lord as the index of the course which I may hereafter pursue with reference to this subject. By those instructions her Majesty's government leave the noble lord no option. He must either have no meeting of councillors at all, or exactly such a meeting as they prescribe to him. He is either to have no committee of advice, or he is to have such a committee of advice as her Majesty's government have dictated to him. Now, suppose the noble lord on his arrival in the colony should find that a great change has taken place in the disposition of the members of the legislative assembly; suppose they say to him, "We find that we have been deceived, and we are now ready to conform to the wishes of the British legislature," is the noble lord then to call together all the constituent body in the five districts of each province—a body of which we were last night told by the hon. member for Coventry, that not two in a

hundred can read and write—is the noble lord to call that body together for the purposes described in the instructions? Would it not be wiser to leave the governor-general on his arrival at the seat of his government, and after he has been put in possession of all the facts of the case, and has collected the opinions of the various authorities on the subject, to act as he may think proper, rather than on the 20th of January to tie him down to any particular course? I repeat, then, frankly, that although I will not propose a vote of censure on these instructions, my condemnation of them is not the less unqualified; and confident as I was in the success of the motion of which I gave notice, with reference to the bill before us, I am equally confident that her Majesty's government will find themselves compelled to withdraw these instructions. I say that these instructions ought not to be maintained; I say they cannot be maintained. If you wish for conciliation in Canada, you will not maintain instructions directing the governor-general to select three members from the legislative council of Upper Canada, and to invite the House of Assembly of Upper Canada to nominate ten of its members, not for the purpose of giving the governor advice with respect to the affairs of Upper Canada, but for the purpose of uniting with individuals selected from the legislative council of Lower Canada, and elected by the constituent body of the legislative assembly of Lower Canada, to consider, among other matters, "the provision that should be made to meet the necessary expenses of the civil government in Lower Canada, the state of the law affecting the tenure of landed property in that province, and the establishment of a court for the trial of appeals and impeachments." All these topics, be it observed, are exclusively interesting to Lower Canada. Why introduce into the committee of advice thirteen persons from Upper Canada, whose very presence may possibly excite irritation? I ask any reasonable man whether such an instruction as this is not, at least, more than necessary? If the noble earl should arrive in the colony in May, he will be the best judge of what, in the existing state of the position of the colony and the feelings of the people, it is expedient for him to do. Would it not be a wiser course to leave the noble lord to his own discretion, instead of saying to him, "If you call a committee of advice it shall consist of such and such persons; and although the subjects on which the advice of the committee is to be given concern exclusively Lower Canada, thirteen of the members of the committee must be Upper Canadians?" Sir, after the challenge of the noble lord to state my opinion of these instructions, it would be uncandid and dishonest on my part were I to abstain from declaring, that I consider the manner in which her Majesty's government propose to proceed calculated to rouse opposition to their own measures, and to obstruct what may perhaps be found to be a very desirable object, the union of Upper and Lower Canada. On that ground, Sir, I object to her Majesty's government making known their instructions to Lord Durham. But why have they done so? If they adhered to the proper and constitutional course, they would not have communicated his instructions to the noble lord until he was ready to sail; but they found it necessary to publish these premature instructions for the purpose of propping up their abominable preamble. This has driven them to the melancholy expedient of giving the governor-general of a colony his instructions three months before the period of his sailing; but I tell them, with the same confidence with which I predicted the success of my amendments to the bill, that they will be obliged to repeal their instructions. To those instructions, however, I totally disclaim making any allusion, otherwise than as stating my private opinion respecting them. Sir, I might urge other reasons for condemning those instructions. I am not willing that parliament should part with the power or the means of entering more deeply into the question of our North American provinces. We may find it necessary to institute an inquiry at the bar of this House into circumstances connected with those provinces. It is possible that we may consider it advisable to unite the provinces of New Brunswick, Nova Scotia, Cape Breton, and Prince Edward's Island with the two Canadas, each province having a domestic government, but all externally pursuing a common interest, and prepared to defend that interest when involved in difficulty and exposed to danger. If this could be accomplished, if the time should come when the plan that I have hinted at may be carried into effect, I can easily conceive that great advantages would be the result. Those colonies have for many years been the outlet of the superabundant population of this country, a population carrying with them reminiscences of old England that must occasionally

break out in the expression of feeling; and which, in spite of the French Canadians, and in spite of the neighbouring democratic states, would in all probability, in the hour of danger to that mother country whose language they speak, and whose institutions they admire, induce them to rally round our standard, and to share the difficulties and perils of foreign war. Let us not, then, tie up the hands of parliament from entering into any investigation from which such beneficial results may at some future period be derivable; and for that reason I am unwilling to confine the considerations connected with this subject merely to the union of the two Canadas. Notwithstanding the comparative weakness of our other North American colonies, their union would add to the strength of each, and would tend to elevate them in the scale of civilisation. I will not abandon the hope that such a union may some day be formed; and, to facilitate its formation, I would fortify the British interests in Canada, leaving them the full possession of their rights, but retaining in our own hands the means of providing for the good government of the province.

The bill passed through committee, and the House resumed.

## THE BALLOT.

FEBRUARY 15, 1838.

In the debate on Mr. Grote's motion for leave to bring in a Bill, enacting that votes at elections for members of Parliament shall be taken by way of Ballot,—

SIR ROBERT PEEL spoke as follows:—Mr. Speaker, one charge has been preferred against me in the course of this debate to which I must plead guilty. The member for Sheffield (Mr. Ward) has asserted, that on the last occasions on which the question of ballot has been brought forward, I have contented myself with a silent vote. This is the fact: but as I have on three several occasions, since the year 1830, delivered my opinions on the subject of the ballot—as I have declared my decided objections to that mode of taking votes, and my reasons for entertaining them, I do not consider the imputation of occasional silence a very serious one. It is painful to travel over and over again the beaten circle of a stale and exhausted subject, and to consume the precious time of the House of Commons, by the repetition of statements and arguments perfectly familiar to your hearers. If I could have recriminated on the hon. gentleman—if I could have charged him with the offence of holding his tongue—I cannot say that, in my opinion, the debate would have suffered from his silence.

He imputes to me a great confusion of ideas, in confounding a right with a trust, in considering the franchise of the voter to be a trust, for the exercise of which he is responsible. He says, that I was the first who discovered that the privilege of voting was of the nature of a public trust, and that the doctrine is exclusively mine.

Now, first, as to the novelty and the exclusiveness of this doctrine. I have heard the following question put in this House by others than by me: "What is the nature and obligation of the electoral trust?" I have heard this House adjured in emphatic language to "guard the commonwealth against innumerable breaches of trust committed by electors." I have heard supposed appeals made to this House, by electors, couched in the following language: "We (the electors) are tempted on every side to induce us to forfeit our trust." These are not extracts from my speeches, but from the speeches of the member for the city of London (Mr. Grote). He, indeed, denies that publicity is any security for the faithful performance of the trust. He thinks the ballot will enable the voter to discharge his duty more conscientiously; but he does not deny that the voter has a public duty to perform—that he has had committed to him a most important trust. The difference between him and me is not as to the existence of the trust, but as to the security for its faithful discharge. The doctrine, therefore, in regard to the elector's franchise being a trust, is neither novel, nor exclusively mine.

Now for the argument of the hon. gentleman contesting that doctrine. He says the franchise is not a trust, because it is a right. As if a trust could not be coincident with a right. I presume I have at present a right, an absolute legal right, for a time limited by law, to a seat in parliament. But have I not a trust, also, co-existing

with, and derived from that right? But, further, according to the hon. gentleman, the elective franchise is not only a right, but it is a right partaking of the nature of property: it is a right of the elector, as absolutely his own, as any other property can be. Was there ever heard such a doctrine? Was the elective franchise ever placed upon such a thoroughly sordid ground? If the franchise be a right involving no trust, and partaking of all the incidents of property, why does the hon. gentleman object to the sale of votes? According to him the elector has an unquestionable right to dispose of this species of his property to the best bidder. Why, then, call for the ballot?

Now, what is the origin of this, the really novel doctrine, of which the hon. gentleman will probably prove, not only the first, but the single advocate? It is not mere confusion of ideas on his part. It is, that he feels the pressure of the argument in favour of publicity, as a security for the faithful execution of any public trust. It becomes, therefore, his manifest interest to show, if he can, that the elective franchise is not a trust; that it is thereby exempted from the application of that rule of publicity which is considered the most effectual check against abuse. The hon. gentleman is the man who proposed the present system of taking votes in this House—who extended the time of a division from ten minutes to half an hour, for the express purpose of preventing secret voting—of publishing the names of the members who vote on any question, and the side upon which they vote, in order that their constituents and the public may know the fact—in order that members may be responsible to public opinion—in order that the salutary check of publicity may constantly exercise its tacit but powerful influence. What avails it to say, that the function of a member of parliament is different from the function of a voter—that the privilege and the trust of each respectively are derived from different sources? The question is, if both are public trusts, why is not the security against abuse, admitted to be good in the one case, good in the other? The ballot would occasionally give different results from open voting, if adopted in this House—it would be occasionally a check against the undue influence of private partialities and of party spirit, but you refuse, and wisely refuse, to purchase these occasional advantages at the cost of greater evils and greater abuses? Upon you rests the proof, that the same principle does not apply to the secret voting of electors, and there cannot be a more signal proof that you feel the pressure of the argument against you, that you fly for refuge to the ridiculous position, that a privilege, which is a right, cannot involve a trust; and to the monstrous doctrine, that the elective franchise is a right of the voter over which he has a control as absolute as that which he has over his property. So much for the hon. gentleman's complaint against others, of a confusion of ideas, and novelty of doctrine.

The hon. gentleman has another appeal to make to me. He says, that I have declared myself an advocate for the correction of all proved abuses—this term also having been, like the argument in respect to the franchise, a discovery of mine. Now, says the hon. gentleman, as I can show the abuse of intimidation and undue influence to be incident to open voting, and as you are pledged to correct proved abuses, you must adopt my remedy of the ballot, or propose a substitute. My answer is, that from the complicated relations of society—from the perversity of human nature—from the imperfection of all human devices—every institution, every public right that exists, must be liable to occasional abuse. Show me one that is free from it. Is trial by jury never abused? Is the liberty of the press never abused? Will it be sufficient that every shallow projector should show an abuse, in order that he may claim assent to his remedy? Surely he must satisfy us, that in the correction of one abuse he is not engendering others of greater magnitude? that in cutting out one gangrenous part, he is not injuring the vitals?

My belief is, that abuse in this case does exist, but that the extent of it is grossly exaggerated; that landlords, speaking generally, are not the tyrants they are represented to be; that the influence they exercise, is not so much the influence of intimidation, as the natural and legitimate influence which is almost inseparable from the relation of landlord and tenant. There is no doubt, that during a contested election every appeal that can be made to the prejudices, passions, feelings, interests, of the voters, is made by each party, and will continue to be made, whatever may be the mode of taking votes. But we must not confound the language of heated partisans

during the contest with the practical exercise of power afterwards; and I apprehend that the instances are of rare occurrence, in which a tenant, voting against the wishes of his landlord, is dispossessed of his holding; that when the excitement which prevailed during the conflict has subsided, better feelings regain the ascendancy, and the tenant is not disturbed. I come to this conclusion quite as much from a consideration of what is the interest of the landlord, as from implicit confidence in his sense of justice and generosity. It clearly would not be for the pecuniary interest of landlords to eject tenants, eligible in other respects, because they were lukewarm or hostile at an election. But it may be said that party feelings, that the electioneering spirit of the landlord, will prevail over his pecuniary interest. My answer is, that the political influence of the landlord will be injured by harshness and severity towards his tenants, and that you have in that public opinion, which you will paralyse by secret voting, a natural and efficacious check upon tyranny, the more efficacious, because it does not merely operate by way of remonstrance. It does not merely make a tyrannical act unpopular: but it visits such an act with the penalty of the diminution of that influence which the act itself is intended to uphold. There are, no doubt, instances, in which the gratification of vindictive feelings will prevail over every other consideration; but can it be denied that the political weight and influence of a landlord will be better promoted by justice and forbearance towards his tenants, than by injustice and severity; and that, if political weight and influence be his object, a sense of his own interest will dictate to a man not swayed by passion, but by common prudence, the policy of not shocking the public feeling by acts of oppression and tyranny?

I shall proceed briefly to detail the grounds upon which I object to the system of secret voting.

In the first place, it is a system totally at variance with all the institutions, usages, and feelings of the people of this country, with all the maxims which have taught them to believe that free discussion, that publicity, that the light of day, that public opinion, are the great checks upon abuse. The people have been habituated to canvassing at elections, to the solicitation of promises, to all the activity and all the artifices, by which, at a contested election, one party seeks to gain a superiority over another. Every voter's inclinations and intentions are known; there is no neutrality, scarcely an instance in which a vote is reserved until the day of election. This may be right, or it may be wrong; but it is the inveterate usage of the country, and all this you hope to counteract by a small piece of cunning machinery, by Mr. Green's or Mr. Grote's ballot-box.

My belief is, that there will be no secrecy. I doubt, in the first place, whether you can give any assurance of what I will call the "mechanical secrecy" of the ballot-box, whether it can be so contrived as to guarantee absolute concealment. According to your hypothesis, landlords and customers will burn with desire to know in what manner their tenants and their tradesmen have voted. Every effort of mechanical skill, every device of vigilant dexterity, will be employed to discover the great secret. If it be discovered, nay, if there be a suspicion that it may be discovered, the ballot-box fails. The fears of unjust punishment, magnified by doubt and uncertainty, will continue to operate on the mind of the voter.

In order to insure the success of this system of secret voting, it is indispensable, not only that there shall be absolute secrecy, not only that there shall be the impossibility of fraud, but a perfect conviction on the minds of voters and of the public, that the disclosure of votes, and that fraud in taking the votes, are impracticable. Now, at every polling place throughout the country, there must be a ballot-box placed in some apartment casually provided, committed to the charge of some inferior agent—a deputy, I presume, of the returning officer. The returning officer may be a warm partisan at the election. The result of the balloting may disappoint the public expectations. Votes have been promised in sufficient numbers to carry the election of one party, but the other has succeeded. In nine cases out of ten, there will be a suspicion of unfair play—an unjust one, perhaps, but how will you correct it?

Suppose there be unfair play, and who, seeing what has been effected by mechanical skill, what apparent miracles it has performed, deceiving the senses and bewildering the reason of men, can be perfectly sure that the contrivances of your ballot-box

may not be defeated through superior dexterity, combined with dishonesty, in those who have charge of the ballot-box? Suppose there be unfair play, what means can you resort to of detecting it? Suppose there be the imputation of fraud, how can you refute it? You can have no scrutiny. You cannot open the ballot-box. Your pledge to the voter is absolute concealment of his vote. Surely this is in itself a great objection to your system. You not only free the voter from all sense of responsibility, you not only enable him to discharge in secret a public trust, but you preclude yourselves from all subsequent inquiry, from all satisfaction of the public mind, even if there should be a prevailing suspicion that there has been dishonesty and fraud in the taking of votes, and that the rightful member has not been seated.

But let us concede, for the sake of argument, that mechanical secrecy can be effectually provided for, that there shall also be a perfect conviction on the public mind that it is so provided for, and that the possibility of fraud is excluded. Still I contend the ballot will give no effectual security either against intimidation and undue influence, or against general notoriety of the manner in which votes have been given. After the ballot shall have been adopted, what will be the practice at an election? Canvassing is not to be prohibited. All the appeals now made to the prejudices, feelings, passions, interests of the voters, may still be made. And, by the way, why is not canvassing, why are not these appeals, prohibited? According to the principles of the member for the city of London, they ought to be; at least, according to the principles laid down in one part of his speech, for he is at direct variance with himself upon this head. In one part of his speech he observed, that landlords would still make an appeal to the reason and affection of their tenants and dependents, and that, what he admitted to be the legitimate influence of property, would not be diminished. But in another part of his speech he stated, that the voter was as much bound to give his vote according to the pure dictates of his conscience, as the witness to give his evidence on oath, and the jurymen to find his verdict: and that it was as great an offence to tamper with the vote, as with the evidence or the verdict. If this be so, why do you tolerate canvassing? What legitimate influence can property *exercise*? What right *can there be* to appeal to the affection of voters? Did any landlord ever take a witness or a jurymen aside, and remind him of long family connection, or of benefits received, as a reason for influencing his testimony, or his verdict? No; there is an obvious distinction between the two; the universal usage of mankind has at least recognised such a distinction, and it will prevail over all the analogies which the refinements of argument may try to establish.

But to return. The election approaches. The landlord and his steward, with a long train of friends, will canvass the tenants. Precisely the same appeals will be made, and with precisely the same result. The instances will be rare in which the promise of a vote will not be freely given. Can it be withheld? Not according to your hypothesis; for, so far as the previous promise is concerned, the influence of the landlord, and the fear of oppression, are untouched. The doubtful voter will be asked to stay away; to pair off with the certain enemy. What remedy does the ballot-box give? You contend, that though canvassing is not to be prohibited, it will virtually cease under the system of secret voting, because it will be useless—because no one will think it worth his while to ask for the promise of a vote, when he is not certain whether the promise will be kept. What an unfounded assumption! If true, what a condemnation of your own measure! for it rests the vindication of secret voting on the imputation of universal dishonesty, and universal distrust. Depend upon it, that in nine cases out of ten, where the voter is subject to influence, and where influence would now be exerted, it would continue to be so. The promise will be asked, the promise will be given, and the promise will be kept. There will be occasionally an ill-conditioned fellow, with a spite against his landlord, or with his head turned by the tirade of the last radical newspaper, who will break his word; but the general rule will be—the observance of good faith. If it be, the ballot will have done nothing; for the promise will have been given from the same motives which now influence the vote. But, supposing the observance of good faith be not the general rule; supposing that promises are freely given, and afterwards violated, will the ballot give an effectual protection to the voter against the landlord who shall be disposed to abuse his power—will no suspicion fall on the violators of promises? Is it possible that in a country like this, in which perfect

publicity has hitherto accompanied the exercise of the franchise—in which every man's vote is talked of and canvassed—in which the contested election occupies the thoughts, and is the theme of conversation for weeks before and weeks after it takes place, a man can so regulate his language, his company, his very looks, that there shall be no guess as to his inclinations and intentions—that the cunning agent shall have no means of discovering from his intimate associates, from his family, from his servants, from his wife—or, at least, of vehemently suspecting, which is the tenant that has kept, and that has failed to keep, his word? Now, vehement suspicion is no ground for inflicting a legal penalty; but it is a ground on which a landlord, assumed by the hypothesis to be of an oppressive and vindictive character, might harass an obnoxious tenant. These, Sir, are the main grounds upon which I doubt the efficacy of the ballot to insure secrecy, and to protect the voter.

It is said, however, that if the ballot shall effect little good, it will do no harm, and may therefore be adopted without danger. I dissent from this opinion. In times of perfect tranquillity the ballot might possibly be merely a delusion, but in times of great public calamity or excitement, it might be the instrument of irreparable evil. There might prevail a temporary clamour for war or for peace; unreasonable prejudices, with regard to public matters of deep interest; there might be false impressions purposely created by a government, during the prevalence of which it might be deeply and permanently injurious to the public interest to have a general election, the voters being freed from all control of publicity. The fever of the moment, the popular cry, might deaden the influence of reason and the influence of property, much more effectually under a system of secret than of open voting. I know it will be said, that this implies distrust of the constituent body—that it presumes they are unfit to be trusted with the elective franchise. It certainly does imply, that there may be occasions when the public mind is for a season under the influence of prejudice, of passion, of unwise impatience, and that it is for the public interest that a public trust should be discharged under responsibility to public opinion—to that sober public opinion which, a few months afterwards, will pronounce judgment; subject also to the present control which property, and station, and more enlightened views, may legitimately exercise, and can exercise with greater effect at such seasons of excitement under the present system of voting, than under the ballot. I do mean to imply this distinctly; and my position is, theoretically and practically, more sound than that for which you contend; namely, that every voter is entitled to exercise precisely an equal degree of influence upon the administration of public affairs—no matter what may be the differences in point of property, or education, or experience—and that he may exercise the privilege that has been conferred upon him, not for his individual advantage, but as a public trust, in secrecy, free from all responsibility, and without even the possibility of being questioned.

It has been taken for granted, in the course of this debate, that the ruling principle with the tenant is to obey the commands of his landlord. A radical candidate finds himself opposed by the farmers, and at once attributes the opposition to himself, not to the freewill of the tenant, but to the control exercised by his landlord. One gentleman has admitted that he found a great change, a great reaction, in the opinion and feelings of the landed proprietors, but complains that the tenantry should have been made to change their votes. But why *made* to change? Why should not the reaction have extended to the tenantry? Why should not they have voluntarily partaken in the sentiments, or the fears, which influenced their richer neighbours? Suppose the repeal of the corn-laws has alarmed the gentry, or the correspondence with rebels in Canada had disgusted them, is it not a more natural presumption that similar fears and similar disgust have extended to the occupiers of the soil as well as the proprietors, than that one class has been coerced by the other?

The examples of foreign countries have been again cited as an argument for the ballot. It is said that it comes recommended to us in modern times by the practice of France and the United States, and is sanctioned by the venerable authority of Rome. Even if the ballot had been a successful institution in other countries, no safe conclusion could be drawn therefrom as to the easy adaptation of it to the inveterate habits and feelings of this country. It would be difficult to judge what has



been the reciprocal effect in any country of political institutions upon the character and manners of the people, and of character and manners upon such institutions—how they have acted and reacted upon each other. I was struck in the course of this debate by the contrast drawn by one hon. member (Mr. Lytton Bulwer), between the character of the aristocracy of Germany and of that of England; but I drew a totally different conclusion from that which the hon. gentleman drew, as to its bearing on the question of the ballot. “Look,” said the hon. gentleman, “at England and Germany at this day. In Germany, where the constitution keeps the nobility apart from the people, the nobility have not the energy, the ambition, the excitement, sufficient to produce great men, and the most eminent names spring from the people: but in England, where the constitution has more or less forced the gentlemen to cultivate the public opinion of the masses, you find in the class of the gentlemen the great ornaments of literature, of the state, of the army, exhibiting that intellectual eminence, and exercising that moral influence, which must always result from uniting the aristocratic advantages of leisure and property, with the popular elements of activity and ambition.” Now, if this be, as I believe it to be, a just panegyric upon the character of the English aristocracy—if the contrast with the aristocracy of continental Europe be correctly drawn, there is surely a strong presumption against any material change in those institutions which, in all probability, have principally contributed to produce this happy result. But there is a peculiarly strong presumption against this particular change, that is, against the system of secret voting. According to your own showing, the personal intercourse between the aristocracy and the masses (so far as elections are concerned) is to be diminished. The gentry are to be virtually excluded from that particular field on which, in political matters, they come habitually into contact with the masses. There is to be no motive for soliciting a promise; all the stimulants to energy and activity which are now supplied by the necessity of personal canvassing, of unremitting personal exertion, of appeal to every motive by which an elector can be influenced, are to be deadened or destroyed. It appears to me, then, to be a perfectly just conclusion, that if the character of the upper classes in England do stand so deservedly high, and if it be mainly attributable to the combination of the aristocratic advantages of leisure and property, with the popular elements of activity and ambition, it is most unwise to disturb, by experiments of uncertain issue, the political institutions of the country, of which that aristocracy is the ornament, and particularly by a system of secret voting to paralyse existing incentives to the activity and exertion of the upper classes, and to their personal contact and intercourse with the people.

Now, with respect to the examples of foreign countries which have adopted the ballot. In France, the main object of it is protection from the influence of the government. Yet it would appear that in France, the ballot fails in these respects at least; first, in producing a complete assurance on the part of the public as to this perfect secrecy of voting; and, secondly, in preventing the exercise of influence in elections on the part of the government. There repeatedly is dissatisfaction in France with the results of the ballot; charges have been preferred against the government, or the agents of the government, of violating the secrecy of the ballot-box. The first of the four charges preferred against the government of the Prince de Polignac, was interference with elections, and the violation of electoral rights. At every general election there is in France the direct and avowed exercise of government influence. Demands are made upon all the subordinate functionaries of the government to support by their vote the views and interests of the government; and when the charge of interference is preferred against the government of the day in the Chamber of Deputies, the answer is not denial, but recrimination—“You did the same.” If the ballot-box in France does give perfect protection to the subordinate officers of the government, if it insures perfect secrecy, removes all apprehensions of fear, or expectation of favour, whence the circulars of French ministers, the exhortations to the electioneering activity and zeal of their dependents, the rewards for the exhibition of these qualities, the punishments for the want of them? And does the ballot in France justify your predictions, that there will be no motive to solicit the promise of a vote, when you have not the means of ascertaining how the vote will be given?

The ballot is in force in the United States, but what are its effects? Is there

no canvassing there? No solicitation of votes? Is there secrecy as to the vote? Is it not notorious that the influence of party feeling, the influence of institutions, laws, manners, habits like our own, the love of publicity, the prevalence of free discussion, the open expression of individual opinion, defeat the precautions of the ballot-box, and establish, by voluntary disclosures, or by indications of opinions which are tantamount to disclosures, a general notoriety as to the manner in which votes have been given? In the United States, when the ballot was originally introduced, there had not previously prevailed the inveterate usage of open voting. The people had to form a new constitution; they were at liberty to adopt such institutions as might appear to them most consistent with its ruling principles, unembarrassed by previous usages and prejudices in favour of other pre-existing institutions. If the ballot had succeeded there, it would not necessarily follow that it must succeed in another country, where it would have to struggle against the current of established habits, and the feelings connected with them. But if it fails in the United States in insuring secrecy (I speak not of mechanical secrecy)—if there even “*sensus morosque repugnant*”—if it is there counteracted by the influence of feelings stronger than the provisions of the law, and that the votes taken in secret are, nevertheless, generally notorious, is there not reason to apprehend that it will fail here also in establishing secrecy, and that the security it professes to give, will be perfectly delusive?

The example of Rome has been again appealed to, and the hon. gentleman (Mr. Lytton Bulwer) has referred to Gibbon's authority, for the purpose of establishing the fact, that the ballot was effectual in Roman elections in securing the voter from intimidation and improper influence. The expressions of Gibbon, referred to by the hon. gentleman, in respect to the veteran being freed by the ballot from the controlling influence of his general, point out the particular passage which the hon. gentleman has in view. Now let us take the whole of that passage, and then judge whether Gibbon can be fairly referred to as an authority in favour of the ballot, and its operation upon the state of society and the civil government of Rome. The passage is this:—“The tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the centuries, they convened the tribes; and the patricians, after an ineffectual struggle, submitted to the decrees of an assembly, in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow bridges and gave their voices aloud, the conduct of each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor,—the client would have blushed to oppose the views of his patron—the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism.”

When next, Sir, the hon. member for the city of Lincoln quotes Gibbon, I hope this will encourage him to give the whole passage, instead of only a portion of it.

There is a remarkable passage in Pliny, with respect to the practical working of the ballot in Rome. Pliny had admitted, that for some evils in elections, the ballot would probably be a remedy, but he feared it would introduce evils more aggravated than those which it might correct. In writing afterwards, he says, that his apprehensions had been confirmed by the result; and in the course of his observations he gives this brief, but striking, description of the vote by ballot:—“*Poposcit tabellas, stilum accepit, demisit caput, neminem veretur, se contemnit.*”

The reverence for authority was gone—the fear of public opinion was removed—the aspect of a grave magistrate—the living lesson (as Gibbon calls it) to the multitude, ceased to encourage or rebuke; and the voter retired from the ballot, conscious perhaps of the violation of a promise, with the sense of shame in his demeanour, and the feeling of dishonour and degradation in his heart. And be assured that, if this feeling be introduced here, if you accustom the voter to the violation of a solemn promise, if you make him believe that a lie told to a landlord is of little comparative consequence, you will dearly purchase the advantage of a

secret vote, at the price of promises disregarded—truth habitually violated—the sense of honour destroyed, and self-esteem extinguished.

You tell us that the ballot is necessary for the perfection of past reforms, and for the contentment and satisfaction of the people. The ballot is now proclaimed to be the great, the only measure which can secure liberty of opinion, and lay the foundations of concord. I distrust your prophecies. I compare your past predictions, as to the results of great constitutional changes, with your present description of them. You told us, a short time since, that the one thing needful for our harmony and welfare, was the destruction of nomination boroughs, and the infusion of more of the democratic principle into the constitution and working of the government. Your opinions prevailed—your views were accomplished. Six short years have passed, and so far is it from your prophecies having been fulfilled, that, according to your own declarations, reform has been an utter failure; it has aggravated all the former evils of elections—there has been more of intimidation, more of expense, more of corruption, since the passing of the Reform Bill than there was before. There is now, if we are to credit your assertions, no legitimate ground for confidence in the members assembled within these walls. The existing system has lost all title to national esteem; in fact, we have no representative system. The baneful principle of nomination remains in force. We are described, in short, to be in the last stage of that decrepitude in which the power of Rome crumbled into dust, when the forms of free government were preserved, but all the vital energy was extinguished.

All these are your expressions, not mine; your expressions applied in the course of this debate, to the present reformed representative system of this country. I contrast them with your former predictions, when that very system was under discussion, and when you hailed the measure of parliamentary reform as the second great charter of national liberty. So will it be with the ballot. Six years hence you will discover, not only that it is inoperative, but a positive curse. Then will arise the complaints of new abuses—of new schemes of wholesale and systematic bribery—of payment for votes, contingent upon the successful result of the election—of voters harrassed and punished upon bare suspicion of imputed frauds, and the impossibility of detecting them, if the pledge of perfect secrecy is to be fulfilled. But, above all, will arise the indignant complaint, that the constituent body is a limited and privileged class, protected from all responsibility, shielded by secrecy in the exercise of public functions, enabled, because unchecked by shame or public opinion, to gratify private pique, or, perhaps, to profit by the new and secret corruption which ingenious bribery will have devised. Then will come the demand, even now plainly foreseen and foretold—the demand for extended suffrage as the necessary consequence, nay, as the only remedy, of the special evils of the ballot—for suffrage, not circumscribed by arbitrary rules as to residence or property, but for suffrage, co-extensive with population, and restricted only, if at all, by the age of twenty-one. Thus will you proceed from change to change, one rendering inevitable another, partly from the restless appetite for innovation, growing with indulgence; partly from the impatience, the justifiable impatience, of new and intolerable evils. Thus will you proceed, until the whole principles and character of your constitution and form of government are changed, and a fierce democratic republic is erected on the ruins of a limited monarchy.

Believing that limited monarchy to give much better securities for peace, prosperity, and liberty, than such a republic—foreseeing that the ballot must involve future changes in the representative system, more extensive and important than the ballot itself—changes inconsistent with the principles of a mixed form of government, by King, Lords, and Commons, I shall give my unqualified opposition to this motion.

On a division, the numbers were: Ayes, 198; Noes, 315; Majority against the motion, 117.

## BREACH OF PRIVILEGE—MR. O'CONNELL.

FEBRUARY 26, 1838.

Viscount Maidstone brought under the notice of the House a speech of Mr. O'Connell's, delivered at the Crown and Anchor, in which the hon. and learned gentleman accused the Tory committees of the House with a uniform system of perjury. He would move for a vote of censure against him.

SIR ROBERT PEEL, before he noticed the speech of the noble lord who had just sat down (Lord John Russell), begged to refer to one remark made by the noble lord (Lord Howick) who moved the previous question. It appeared to him that the noble lord did not accurately remember what had passed in the House with respect to the bill relating to controverted elections. The noble lord who represented her Majesty's government (Lord John Russell), was desirous that the improved system of controverted elections should be immediately brought into operation; "but," said the noble lord (Lord Howick), "that benevolent and virtuous intention of her Majesty's government, was defeated by the opposition which was offered to it on the opposition side of the House." He did not recollect the anxiety of her Majesty's government to force forward that measure for the introduction of an improved system. He certainly did remember the noble lord stating the course he meant to pursue with respect to the fixing of the days for the controverted elections; he did remember the noble lord saying, "he would not pledge himself absolutely to fix the day, because some extraordinary contingency might occur with respect to the petitions that might prevent him," though the noble lord then fixed the day for taking the resolution into consideration. That day arrived, and he and his friends were panting with anxiety for a knowledge of that extraordinary contingency which might defeat the noble lord's intention; but the noble lord stated that he had referred to the petitions, and found nothing extraordinary in them, and therefore, instead of allowing him (Sir R. Peel) to fix the day, the noble lord did it himself, and adopted the very terms of his (Sir R. Peel's) motion. The noble lord was successful in carrying the second reading of the bill; why, then, did he not persevere? The noble lord carried the second reading by a much larger majority than he had upon most other questions—he carried it by a majority of fifty three—but he fixed the days on which the election petitions should come on, and he never, acting for the government, fixed the day on which to proceed with the bill. Here was the bill as originally brought in; here it was, declaratory of the original intentions of the author of it; and what said the last clause, with respect to which there was such an intense degree of anxiety, because, forsooth, it was to substitute a new tribunal for the old? The last clause, which was not forced upon the noble lord by a powerful majority, but which was supported by him as his own voluntary act—the last clause ran thus: "And be it enacted, that this act shall take effect from and after the last day of the present session." He begged leave, then, to deny that her Majesty's government had shown any very determined or sincere intention to substitute for the present system of trying controverted elections a new one. He objected to the proposal made by the noble lord at a subsequent period, because he thought that an attempt to substitute a new tribunal, by a bill to be passed through both Lords and Commons, in the present conflict of parties, would have consumed so much time as to leave them no alternative, if all the existing petitions were subject to the new mode of trial, to indefinitely postpone them; and it was the first duty of the House to proceed to the adjudication of the controverted elections. Nor would the country be satisfied with the postponement till the new tribunal was constituted. The hon. and learned member for Dublin proposed a plan which would have met all the objections now made to the present tribunals, because it would have removed the trial of controverted elections from this House. The hon. member for Liskeard's bill, which was supported by the government, was of a totally different character, and if the imputations which had been cast on the House were just, they ought not to adopt that bill, for it would still leave to the House the power of adjudication on election petitions. He now came to the speech of the noble lord, (Lord John Russell,) and to the consideration of those arguments by which the noble lord endeavoured to convince the House, that the proper course in this case was to pass to the order of the day. The noble lord was surprised at the appeal made to

him by his (Sir R. Peel's) noble friend, but it was perfectly justifiable. How was it possible, after the noble lord had given public notice of his motion, that he could now consent to proceed to the order of the day? Why, the noble lord had placed himself in the same boat with his noble friend. The noble lord did not rise and say the House had no authority on the subject, or that it would be advisable to consider it in the mean time, but he got up impatiently and eagerly, and said, "As soon as you have decided your question of privilege." [No, no!] He should like to be informed in what respect he misrepresented the words of the noble lord. He did not mean such a decision as the noble lord now anticipated, that of passing to the order of the day. The motion now made implied a shrinking from the decision of the House. The notice of the noble lord was this—"Provided the house entertained"—[The remainder of the sentence was lost by the vehement cheering from the ministerial benches]. Why, in what a miserable position did they place themselves by this interruption. Observe how the supporters of her Majesty's ministers manifested their exultation because they thought he had made a verbal mistake! Well, then, the noble lord gave notice that, if the House of Commons entertained the motion of the noble lord (Maidstone), he (Lord John Russell) would bring forward a motion of his own—that he would submit for the consideration of the House, a case of breach of privilege, alleged to have been committed two years since. In other words, his noble friend, and other gentlemen serving on election committees, having thereby an important and delicate public duty to perform, which they had discharged to the best of their ability, and according to the dictates of their conscience, being deliberately charged with the commission of foul perjury, had called upon the House for protection against such aspersions; and the answer, the conciliatory answer, of the noble lord was—"If the House of Commons affords you the protection you seek, I will bring forward for its consideration the similar charge against certain members of a former parliament, made by a right rev. prelate two years since!" That was the satisfaction proposed to be given by the noble lord. But, then, his noble friend had a right to make a specific appeal to the House. What were the simple facts of the case? Here was a charge of "foul perjury" preferred against members of that House, and that charge was made against them acting in their judicial capacity. Such a charge, serious as it was, made in the heat and excitement of a public dinner, might not be visited with the censure of the House. But an opportunity was given to the hon. and learned gentleman who had preferred the charge, to explain it—he had not been called on suddenly to answer; nor taken unawares. The noble lord, the member for Northamptonshire, had given the hon. and learned gentleman full notice of his intention to ask the question, and it was therefore perfectly competent for the hon. and learned gentleman to have said, that it was perfectly true, that in a moment of excitement he had preferred the charge, and that he made it, feeling that the honour of those with whom he was associated, had been impeached by similar charges having been preferred against him and them, and no more perhaps would have been thought of it. But the hon. and learned member took the more open and manly course of distinctly and deliberately, in his place, admitting, that he had made the charge, and that he still adhered to it. Members serving, or liable to serve, on committees, had then no alternative but to appeal to the House for protection. In the first place, was the charge well founded? That was the material point at issue. The first authority he should cite on this subject was that of the noble lord, the Secretary for the Home Department, himself. In the course of the present session the noble lord observed, "Now, without conveying an imputation of perjury on any side, when I see so much jealousy evinced as to placing the names of adverse parties on committees, I must say that the fact seems to me to be a proof that such decisions will be party decisions. The main reason for this is the uncertainty of the law of elections, and more especially of the right of voting in Ireland. This was the case on the Longford committee in particular. Where there are different decisions on the same grounds, party bias will occur. In saying this, I by no means impute deliberate perjury to the members of those committees." The noble lord admitted that the charge was unfounded; he acquitted them of deliberate perjury; yet he refused to afford hon. members the protection of the House! The noble lord admitted the right of hon. gentlemen, who implored the protection of the House under such a

charge; admitted their right to protection; yet no protection was to be afforded! There was the authority of the noble lord himself for the position. He admitted that any charge of foul perjury, founded upon the proceedings of those committees, was unfounded, and yet he refused to give the members of those committees the protection of a resolution of that House. On what ground did his refusal go? Why, the noble lord stated that there was a strong prejudice in the public mind on the subject. Was it not the duty of that House to set right the public mind whenever it was evidently swayed by improper and unfounded prejudices? Ought they, upon such a ground as that, to succumb to any charge, however gross and unfounded, that was made against members of that House? The best possible mode, and the most obvious, to encourage in the public mind these very prepossessions, was to shrink from declaring them unfounded. The noble lord said, there was in the public mind generally a prejudice against the mode of proceeding by election committees; but surely the distinction was quite clear between a desire to amend a defective tribunal and a wholesale charge of foul perjury against them. It was quite consistent to admit, that political bias did operate on the decisions of election committees, and to desire to see the system changed; yet, also, to resent warmly the charge of wilful perjury against certain members of that House. The noble lord argued, that the true way to elevate the hon. and learned member in public opinion would be to visit him with the censure of the House. To visit him with an unjust censure would undoubtedly have that effect; but if the censure professed to be passed was a just one, why should the House of Commons shrink from recording it? Not, surely, because there were strong opinions in the public mind on the subject of election petitions. If, however, the present motion for censure was passed by, what would the House do with regard to the election petitions? If they were to pass this over, he should like to ask them what were they to do suppose a petitioner were to approach the House and charge them with foul perjury? Would they censure him? Would they reject his petition? Why, the same person might present another petition and say, that when the same charge was preferred against them they passed to the order of the day. What, in such a case, would they do with such a petitioner? What did they do with a petition the other day, which contained a charge of perjury against the Roman Catholic members of that House? The doctrine that the Speaker then laid down was, that they could not receive any such petition—that no petitioners had a right to charge members with perjury, whether they were Protestants or Roman Catholics. He was not present himself, but he understood the Speaker to have said, that such a charge would preclude the petition which should contain it from being received by the House. To take another case:—Suppose a member, forced by the order of the House to serve on a committee, were to say—"I was ready to have discharged my duty, to have sacrificed my time, and to have endeavoured to the best of my abilities to fulfil the trust imposed on me. I appealed to you for protection against the charge of foul perjury; you would not afford me that protection; I will not, then, exercise the judicial functions you impose upon me, subject to the contingency of such consequences." What would the House do with a member under such circumstances? Would they commit him to Newgate? Here would be the case of an individual refusing to act, not from pique or mere personal feeling, but because he declared that the House paralysed his powers of judging, so that no decision which he could give would be satisfactory. Would the majority which, it was said, would negative to-night the resolutions of the noble lord, be prepared to commit a member so situated to Newgate? If they would be so prepared, he had not heard any thing urged to show why the House of Commons should not proceed in such a matter as any court of justice in the kingdom would proceed. He remembered a case of a similar kind, which occurred in 1834. Mr. Hill, a gentleman then in parliament, had reported some conversations which were said to have taken place between certain members as to the votes proposed to be given for government on certain questions. Here was a charge against the members for Ireland—how did the House deal with it? Why, on the first day of the session attention was drawn to it. By whom? By Mr. O'Connell! The hon. member stated, "He must observe that the question before the House was a public one, inasmuch as it concerned deeply the constituency of Ireland to know whether any of their representatives had behaved in the manner described. The noble lord had

satisfactorily replied to the question put by himself and another Irish member, but other members, and amongst them his hon. friend, the member for Tipperary (Mr. Sheil), had been interrupted when he rose to propose the same question to the noble lord. His hon. friends and constituents, were deeply interested in their character, and therefore he pressed the noble lord to be more explicit." "The hon. member for Tipperary had constituents who had a right to know whether the member they had sent to that House was worthy of their confidence or not; for the sake of that portion of the community there interested, then, and also for the characters of the hon. members themselves, he felt, and he was sure the House would, on a little reflection, concur with him, that an opportunity of explanation ought not to be denied to those who sought it." In the present case, also, the noble lord had constituents who thought his character and title to their trust ought to be supported. There were also many other members who thought that in such a case as this, it was for the public interest that they should be protected from a charge of so serious a nature. In the same debate, however, Mr. Hume, then member for Middlesex, "advised the hon. and learned gentleman not to notice such vague insinuations against members of parliament;" to which Mr. O'Connell replied, "This is not a vague insinuation made by the public press or by parties out of doors, but a serious imputation preferred by a member of parliament." The previous question was moved, but he (Sir R. Peel) felt it was due to the Irish members that there should be an investigation, and he accordingly voted for an inquiry. The motion for the previous question was rejected, and the inquiry took place. But in the present case, the charge was distinctly admitted, and a determination to adhere to it was declared. There was no allegation of proof, for although hon. members, who had spoken on the other side, broadly stated their opinions that the tribunals were defective, yet they thought that the charge of foul perjury could not be sustained. This being so, then, he called upon the House to protect its members from the charge of foul perjury that had been brought against them. Night after night, in the debates in that House, imputations were cast upon the great measure of reform by those who aided in passing it; night after night it was declared, that there had been more intimidation and expense and corruption at the last election than there ever occurred before. Now, they had heard it stated, that they—the reformed parliament—were disqualified by foul perjury, or the disposition to it, from discharging their judicial duties, from which it would necessarily be inferred that they were equally disqualified from the discharge of their other and more important duties. He really must say, that he was surprised that hon. gentlemen and noble lords opposite would consent that such imputations should be cast upon the acts of the House; and if they thought they had the power, which the House undoubtedly had, not of persecuting any one, but of vindicating the honour and dignity of their proceedings, and, in the exercise of strict justice, defending their own members from unjust imputation—and if they desired to prevent such charges from being drawn into daily precedent, as by connivance and forbearance they would—then he entreated them to disregard those consequences which the noble lord had threatened, of unduly elevating the hon. member on the one hand, or of exciting unfavourable impressions on the minds of the vulgar, on the other. He entreated them to do that which they believed to be consistent with truth and justice, and they would be amply rewarded for disregarding an appeal to their passions, and unfounded apprehensions of evil consequences from their proceedings.

Lord Maidstone's motion was carried by a majority of 9.

## COLONIAL ADMINISTRATION.

MARCH 7, 1838.

Sir William Molesworth moved for an "Address to her Majesty, respectfully expressing the opinion, that her Majesty's Secretary of State for the Colonies, does not enjoy the confidence of that House, or of the country." Lord Sandon moved, by way of amendment, an Address, containing a direct vote of censure on the government.

am placed in a disadvantageous position with respect to my noble friend by a dispatch being quoted which is not before the House, and the right hon. gentleman deals in an unfair manner towards me, unless he mean to produce a copy of the dispatch from which he has quoted. But, Sir, this I say with respect to that dispatch, that my noble friend, in 1835, was prepared to make an immediate settlement of every important disputed question in Canada, reserving for future inquiry matters of subordinate detail. But you, the ministers, allowed two years to pass away after my noble friend was prepared to settle all the points in dispute before you brought forward your resolutions which were the result of the commission which you issued. And those resolutions did not propose the settlement of any single litigated point which two years before Lord Aberdeen had not given Lord Amherst ample powers to settle. I challenge the right hon. gentleman to contradict that statement. The only difference between your resolutions and the course proposed to be pursued by Lord Aberdeen, is this—that you proposed to take money from the Canadians without their consent; whereas Lord Aberdeen did not propose any such thing. Lord Aberdeen gave full and positive instructions to Lord Amherst upon all the points involved in Canadian affairs; he gave positive instructions with respect to the legislative council, to the tenure's act, to the trade act, to the pending financial question, and, in short, to every point that demanded the attention of the government. He told Lord Amherst that his duty was to remove all grounds of complaint still unredressed, and to apply efficacious remedies to every existing grievance. This he was to accomplish effectually. But, says the right hon. gentleman, Lord Aberdeen proposed to give up the territorial and casual revenues to the House of Assembly. It is true Lord Aberdeen did propose to do so, but upon express conditions, and the revenues were not to be given up till the conditions were fulfilled. Instead of entering upon an indefinite inquiry into the state of Canada, at a time when the minds of men were inflamed, and wanted not a fresh inquiry, but a redress of grievances, the course taken by my noble friend was to send out a single commissioner with instructions, not couched in equivocal language, admitting of doubt, and raising questions as to the intentions of those who prepared them; but my noble friend said to Lord Amherst—"Go forth to Canada—tell them that the whole of the territorial and casual revenues shall be given up, but upon these express conditions: first, that a civil list for the payment of the salaries of civil officers shall be granted; secondly, that the salaries of the judges shall be provided for; thirdly, that funds shall be provided to meet casual expenses; and fourthly, that every payment for which the faith of the government was pledged shall be promptly provided for." These were the conditions; and Lord Amherst was told that if the House of Assembly rejected them, they would then be in the wrong, and it would become the duty of the imperial government to consider what steps ought afterwards to be taken. My noble friend said to the Canadians, "I am willing to listen to any proposal for an amicable settlement respecting the constitution of the legislative council;" but did my noble friend palter with them in a double sense? No. He said distinctly, that the constitution of the colonial government shall be so far respected that the legislative council shall not be an elective-council, and that the executive council shall not be responsible to the House of Assembly. So that my noble friend distinctly stated, on every point, what was the course the government intended to pursue, and what were the terms offered to the Canadian assembly; but certainly, in case of Lord Amherst's failure, my noble friend reserved to himself the opportunity of considering what course it would be proper for him, in that event, to adopt. Now, what is the course which her Majesty's government has adopted? They first appointed commissioners to go forth to Canada and institute inquiries, after every subject of inquiry had been exhausted, and after evidence had been obtained which more overburdened than instructed them. With the Canadians panting for something effectual to be done, you send out three gentlemen as commissioners, after all the inquiries of 1833 and 1834, for the purpose of inquiring anew. Here lying before me is the report of those commissioners; and I will say, although I am not desirous of saying anything in the absence of the right hon. baronet (Sir Charles Grey) which I would not say in his presence—but if ever any document was calculated to throw ridicule upon a government commission, upon those who were in chief authority, and to excite and inflame discontent, it is the report of these commissioners, who were so selected that it was almost certain they would differ, and



the expectation of whose difference of opinion has been realised by the event. Of this every man may satisfy himself who reads this report. If the right hon. gentleman (Sir Charles Grey) be present, would he allow me to refresh his memory with some of his own expressions with respect to this commission. The commissioners were instructed, among other things, to make a report in reference to the executive council, and they accordingly make a report which the right hon. gentleman signs. But the moment he signed that report, he attached a remonstrance against it; and another of the three commissioners also attached a remonstrance against his own report, and then the chief commissioner comes in, and

“His decision more embroils the fray.”

The commissioners made a report on the executive council, which was signed by Lord Gosford, Sir George Gipps, and Sir Charles Grey. The very next paper is one bearing the signature of Sir Charles Edward Grey only, and contains what is called a statement of his difference of opinion upon the third report of the commissioners, and the hon. gentleman thus expresses himself:—“My principal objection to the present report is, that having, in the 12th, 14th, 16th, and 17th paragraphs shown very forcibly and truly that an executive council, removable at the will of the Assembly, would be incompatible with the subordination of the province to the empire, we recommend measures in the 30th, 32nd, 34th, 35th, 36th, and 38th paragraphs, which, taken in conjunction with the recommendation of the majority of the commissioners in the first report, would create the institution we have decried.” Just conceive the commissioners thus divided in opinion on a question on which the wishes of the people were fully made up. The right hon. gentlemen opposite sent out three commissioners to make a report on the propriety of granting an elective legislative council; and in their general report they say, in paragraphs 12, 14, 16, and 17, that they have insuperable objections to making the executive council elective; and yet, in paragraphs 30, 32, 34, 35, 36, and 38, they admit that it seems desirable: and this they said with the view of throwing oil over the troubled waters of discontent. Would hon. gentlemen opposite undertake to say, that if the propositions of my noble friend, Lord Aberdeen, had been adopted in 1835, that they would not have had an entirely different effect? Was it the same thing, that they adopted two years afterwards? Are two years nothing in the history of a discontented people? [*Cheers.*] If hon. gentlemen mean by their cheers to remind me of Ireland, and refer to the experience which they have had of the effects of delay with respect to that country, do they consider the delay is not a condemnation of the government as to Canada? You point a most harmless sarcasm at me, but through my sides you inflict a fatal wound upon yourselves. If in Ireland the state of discontent has been aggravated by delay, what will you say of the government delay with respect to Canada? Upon this point I will commence with the authority of the hon. gentleman who spoke last night, and who then said that delay was of no consequence. What, however, did the hon. gentleman say in his published report? He said, “I cannot express as I could wish, the importance which ought to be attached to a prompt use of the opportunity which is presented by the address of the Assembly to his Majesty.” This was written in 1836, a year after Lord Aberdeen had been out of office; but what further said the hon. gentleman? “If it,” that is, the opportunity, “be missed, the government will go rapidly down the stream; if it be rightly—by which I mean temperately but firmly—used, I see nothing in Canadian affairs which, with skill and forbearance, is not capable of adjustment.” I have the authority, then, of the hon. gentleman, that the differences were capable of adjustment, and that the colony was not in so bad a state that it might not be brought safely out of its troubles. I rely on no statement of my own, I trust only to the evidence of your own commissioners, of your own officers; and by that evidence, as I told you, I will show that on your delay I rightly charge the revolt which has broken out in Canada. I have shown here, from the evidence of one of your own commissioners, who in his speech of last night absolved you from all blame, that he was of opinion, in March, 1836, that he hoped for a satisfactory adjustment, and that he then “saw nothing in Canadian affairs which, with skill and forbearance, was not capable of adjustment;” and yet the same hon. gentleman asked last night, with an air of triumph, whether, if the propositions sent out to Lord Amherst had been produced to the Assembly, they would

and now comes forward the Under-secretary for the Colonies, and asks us how we can reconcile it with our sense of duty to censure the government now, after having concurred with it upon the address moved immediately upon the reassembling of parliament after the Christmas recess? The Vice-president of the Board of Trade, too, has made this charge upon us. "Sir," says the right hon. gentleman, "whilst the issue of the rebellion was uncertain—when it was unknown whether the efforts of the revolt were effectually quelled, you indicated no opposition to the government; you kept yourselves entirely in the background, and by your silence seemed to give assent to all that had been done; but now, when every thing is settled, you come forward to censure the government." Why, to be sure, if ever there was an exhibition of greater fairness in a party, it was to be found in the very course which the right hon. gentleman pointed out as being so extraordinary. When we heard of the defeat of the British arms—when the public mind in England was agitated—when the issue was uncertain—we did not come forward to create an undue prejudice against the government, by bringing its conduct under immediate consideration. "But now," says the right hon. gentleman, "now, you are prepared to do so." Did I shrink, when the Canada bill was under consideration, from submitting to the House those amendments to that measure which I thought to be necessary? Did I show that want of political courage, imputed to me by the right hon. gentleman, of evading all mention of disturbing the government while the issue was uncertain? Has the right hon. gentleman so soon forgotten what passed in the discussion upon the Canada bill? Did I not give notice whilst that bill was under consideration that, as there were parts of it to which I decidedly objected, I meant to move amendments upon which I should take the sense of the House? Perhaps the right hon. gentleman considered those amendments light and insignificant, and therefore had allowed them to escape his recollection. But the noble lord (Lord John Russell) did not so consider them; for the noble lord told me, that if I persisted in moving those amendments, and if I declared that I proposed them, not from a mere desire to rectify some of the details of the bill, but because I dissented from the general Canadian policy of the government, it would become a matter of grave consideration with the government whether they would not immediately retire from office. Was not that distinctly intimated to me by the noble lord? And was I able to give the noble lord any consolatory assurance? Was I enabled to use one single gratifying expression in the answer I returned to the noble lord? Did I not, after the express invitation of the noble lord, distinctly state, that I adhered to every opinion I had previously expressed on the subject of the Canadian policy of the government—that my objections were not objections of detail, but objections of principle, and had I not the satisfaction, after all, of finding the noble lord adopt my amendment? Therefore, I do not consider myself liable to the charge, either of the Under-secretary for the Colonies, that we are now bringing forward an amendment which is inconsistent with our support of the first address to the Throne upon the subject; nor do I think myself liable to the charge of the right hon. gentleman, the Vice-president of the Board of Trade, that when the issue of events was uncertain, I abstained from pressing such amendments to the Canada bill as I thought material, after I was told that the pressing of them might endanger the existence of the government. The right hon. gentleman preferred another charge specifically against me. He asked me how it was possible for me to concur in a condemnation of the government, seeing that I had been connected with an administration which had mainly aggravated the difficulties of managing the affairs of Canada. The right hon. gentleman contended, that the government which had existed previously to 1828, when the Canada committee was appointed, was the government mainly chargeable with delinquency in respect of Canada. That being the opinion of the right hon. gentleman, and being his opinion, I suppose the opinion of the government also, I own it does somewhat surprise me, that the present administration, when they came into power, showed no indisposition whatever to unite with some of those who had belonged to other administrations existing previous to 1828, and who, of course, must be held responsible for any unwise or injurious measures that might have been adopted towards Canada. When the right hon. gentleman, the Vice-president of the Board of Trade (Mr. Labouchere), and the hon. gentleman, the Under-secretary for the Colonies (Sir George Grey), were dealing out so largely

their invectives against administrations which existed previously to 1828, they should have looked to their right hand and to their left, and remembered how many of their present colleagues were just as much chargeable with misconduct towards Canada as any of those who sit on this side of the House. The noble lord (Lord Palmerston), the Secretary for Foreign Affairs, was connected with every government that existed from the year 1800—I do not know when—down to the year 1827, and I see many gentlemen upon the ministerial benches who were connected with previous governments in the same way. Why, then, if you objected so much to the colonial policy of the administration which existed prior to 1828, why did you not mark your disapproval of it, by refusing to enter into any kind of coalition with those who had in any way been parties to it? Was not Mr. Grant, the present Lord Glenelg, a member of the government previous to 1828? But when you first came into office, what course did you pursue? Did you not take for your colonial secretary, Lord Ripon, who had been connected with every government from the time of Lord Liverpool down to 1828. The very man whom you appointed minister for colonial affairs had been connected with that government up to the year 1827. And what did you do with Mr. Wilmot Horton? He was the representative of the colonial department during the seven years preceding 1828. What course did you pursue with respect to him? Why, you absolutely appointed him Chief-governor of Ceylon—you selected him who had been representative of the colonial-office in this House from the year 1822 to the year 1828, during the time of these enormities of our government, to fill one of the highest stations in the colonies you had it in your power to bestow. Was it possible that you could condemn that policy when one of the very men who administered it from the year 1822 to 1828, was appointed colonial secretary; and another of his friends was appointed a Chief-governor of Ceylon? But the right hon. gentleman mistakes the point at issue; and so does every one on his side of the House. We do not deny the great difficulty attending the administration of affairs in Canada. There were great difficulties, some arising perhaps from neglect on the part of former administrations, but the greater part inseparable from the state of society in Canada: inseparable from the fact, that a great mass of the population was of one religion, while those possessed of wealth, intelligence, energy, and education, belonged to another; this being aggravated by other evils peculiar to Canadian society. But what is the charge against her Majesty's government? It is not a denial that they had difficulties to contend with, but the charge we prefer against them is this—that the revolt in Canada—the necessity of putting down that revolt by force of arms—the necessity of extreme severity by the suspension of constitutional rights—might have been averted if ordinary foresight and ordinary vigilance had been exercised. And I do conscientiously believe that proof, showing to demonstration the truth of that charge, can be adduced from the papers which are now lying before me. While admitting the difficulties with which you had to contend, as well as former administrations, arising from the state of society in Canada, I feel perfectly confident, if I had to argue this question before twelve men who were entire masters of these documents, that I should obtain a verdict of guilty against you, and an affirmation of the charge that there have been vacillation, irresolution, and want of foresight, in your policy, sufficient to account for the revolt that broke out in Canada. Again, you say that the charge brought against you is, that your course has been conciliatory. That is not my charge against you. It is not that it has been a conciliatory course; but that you have shown your disposition to conciliate at a wrong time; that your policy has been characterised by inactivity at one moment, and by superfluous and uncalled-for activity at another. I will proceed to show the contrast between your policy and that which was pursued by Lord Aberdeen, whose was not a policy employing force, not a policy of uncalled-for and misplaced rigour, but a policy with which, I challenge you to the proof, that yours will not suffer in the comparison. When Lord Aberdeen entered office, in 1835, he proceeded at once to the consideration of the affairs of Canada. The right hon. gentleman has referred to a dispatch prepared by my noble friend, Lord Aberdeen, and having done so, I think it but fair that he should produce that dispatch. He has no right to show that there existed any inconsistency between me and my noble friend, from the contents of a dispatch remaining in the colonial-office, when that dispatch was not before parliament. I

SIR ROBERT PEEL: I heartily rejoice that I gave to the noble lord who has just sat down (Lord Howick) the opportunity of explaining a charge which was supposed to have been brought by him against my noble friend—of expressing his approbation of the conduct of Lord Aberdeen as colonial minister of this country, and of paying to him a tribute of praise, which I believe to be as justly deserved on the part of my noble friend, as, I must say, it was creditable on the part of the noble lord who paid it. I was surprised at the sensitive and irritable feelings which were displayed by the right hon. gentleman who had but recently closed his address to the House. I should have thought that the chancellor of the exchequer, responsible for his public conduct, having filled the situation of colonial secretary, would have been content to vindicate himself from any imputation brought forward by my noble friend (Lord Stanley); and brought forward, I must say, in no unkind or unfair spirit. I certainly think it an extraordinary principle for the right hon. gentleman to lay down, that because his public conduct has been questioned in fair argument, he, therefore, has a right to attribute to him who questioned it, a departure from those friendly feelings which had heretofore subsisted between the right hon. gentleman and the noble lord. I was surprised at the retaliation of the right hon. gentleman. His conduct was fairly open to be questioned by my noble friend. How was it possible to express an opinion upon the colonial policy of the government, and to attribute the evils which we now assign to that policy, without subjecting the right hon. gentleman's conduct to comment, and in some respects to animadversion. But let me ask the right hon. gentleman, was it perfectly decorous in him to charge my noble friend with misconduct in the colonial department, when he was himself a member of the same government with my noble friend? Your doctrine now is, that the whole of the government is responsible for the act of any particular member of it. If that doctrine be well founded, with what decency do you, who were the colleagues of my noble friend, attribute to him improper conduct in his administration of the duties of the colonial department? With what decency can you charge my noble friend with improper conduct, when you, according to your own showing, shared in the responsibility of every thing he did? Who was it that, after experience of his conduct in Ireland—who was it that called my noble friend to administer the affairs of the colonial department, at the very moment when the most important measure ever connected with that department was about to be submitted to parliament? And do you quarrel now with my noble friend upon the subject of the colonies? Did you then feel all the evils which you now profess to feel as arising from his promptitude and decision? If you had such a feeling in your mind, why did you not at once declare that you would not share in his responsibility. Why do you now come forward complaining of despatches, which you say ought not to have been sent out, and to the sending out of which you attribute all the evils that have arisen in Canada? Would it not have been more becoming in you to have refused your sanction to the sending out of those despatches in the first instance, than now, after the lapse of four years, to bring forward that act of my noble friend as a matter of complaint when your own conduct is impugned? Was it upon the subject of Irish policy or of colonial policy that your union with my noble friend terminated? Was it not on account of his steady and consistent adherence to principles which he declared he would never cease to follow? And when he left your government, did you not at all, *una voce*, admit that your chief pride and ornament had left you? Did you not all feel that you had lost him who had rescued you from a hundred difficulties, with which, but for his powerful aid you were unable to cope? Did you not all feel that you had lost the most powerful support of your government? I pay you the compliment of believing that you felt all this, because I know you said it. I know it was said by you that, upon public, as well as upon personal grounds, you more deeply regretted your separation in public life from my noble friend than any event that could possibly occur to you. Coming, now, to the more immediate subject of debate, I may state, that I shall proceed at once, without one word of unnecessary preliminary preface, to a consideration of the real questions at issue upon this occasion. They are two-fold; first, the amendment we have proposed; second, the policy which that amendment calls in question. I make no apology for this amendment. This amendment is consistent with every opinion that I have given upon the subject of your colonial policy. That this amendment surprises you is no matter of astonishment to me; because it is an amendment utterly at variance with

every principle upon which you have acted in public life. It is an amendment which partakes not of the character of ambiguity, dilatoriness, or irresolution. It is an amendment which contains the sentiments we avow—an amendment that in plain, direct, straightforward terms, arraigns the policy you have pursued. It asks for no confederacy with those to whose opinions we are opposed. It makes no truckling compromise with opposite principles, for the purpose of swelling the numbers of a division. It seeks to found upon it no compact, nor compact alliance. On the contrary, it declares the determination of the conservative party in this House. It declares their determination to support the Crown, and to maintain the authority of the Crown. It expresses satisfaction at the success of her Majesty's arms; but at the same time, consistently with that expression of satisfaction at the success of her Majesty's arms—consistently with that expression of a determination to uphold the authority of the Crown, it expresses in direct terms a want of confidence in the government upon the subject of Canadian policy. And you cannot account for this! You fancy that it can only proceed from some pressure from behind. You are so uncharitable as to judge of us by yourselves. Knowing that in your own case the prevailing influence has been the pressure from behind, you suppose that no other persons can act, unless impelled by the same power. The noble lord, the Secretary for Foreign Affairs, says, that fusion and coalition are the ultimate objects of the amendment. Although I repudiate altogether any concurrence in the motion of the hon. baronet (Sir W. Molesworth), although an amendment has been moved which that hon. baronet cannot support—although it must be well known that the hon. baronet would disclaim concert with me, as much as I should disclaim concert with him, on account of the extreme opinions which we entertain, yet, in spite of all this, the noble lord (Lord Palmerston) cannot discover an assignable motive for this amendment, unless it be intended as the forerunner of a coalition between the hon. baronet and myself. The amendment is objected to on various grounds. First, you say that we have concealed our feelings; that hitherto we have approved of your policy. Is that the fact? Did we approve of your policy during the discussion on the Canada bill? Did I not distinctly declare that I thought it was to the weak vacillating conduct of the ministry that the revolt in Canada has been mainly attributable? When I concurred in your address, and gave my sanction to your bill, can it be said with truth that I approved of your policy? Did I not expressly declare, in the words of the amendment, that, although I would enable the Crown to vindicate its authority—although I cordially rejoiced in the success of her Majesty's arms, yet, that it was to the irresolute, vacillating, and dilatory conduct of the government that I attributed all the evils that had arisen in Canada? The hon. gentleman, the Under-secretary for the Colonies (Sir George Grey,) asks, how it was possible for us to concur in the address voted to her Majesty, and why, if we entertained the sentiments we now express, we did not then move an amendment condemnatory of the government? I will tell the hon. gentleman why it was that we did not. It was because the noble lord (Lord John Russell) expressly invited us to concur in the address, saying that he did not mean, at that moment, to agitate the question of whether the government were to blame or not. And this is the return we meet with. This is what the noble lord said, "The question which I wish to propose this evening to the House is, whether they are prepared to maintain the authority of the Crown in Lower Canada, and not whether her Majesty's ministers are to blame." And then the noble lord went on to say, "If at any future time any hon. member shall think fit to bring the question before the House, I shall be prepared to maintain that we, her Majesty's ministers, are in no respects deserving of censure for the course we have adopted; but the only question for consideration to-night is, what course we ought to adopt for the maintenance of the authority of the Crown in the revolted provinces of Canada." We trusted the noble lord; we trusted to the noble lord, who told us not then to make it a party question. Yes, you told us that the first duty of the House of Commons was to rally round the Throne, and to maintain the authority of the Crown; you told us that to quell rebellion there should be an expression of unanimity on the part of the House; you told us that if we swelled the amount of your majority at that time, we should have an after opportunity, if we thought fit, of impugning the conduct of the government. We believed you. We assented to your address; we moved no amendment;

not have been rejected? What right had the hon. gentleman to speak with so much certainty of the fate of propositions which have never been made to the Assembly? The intentions of Lord Aberdeen were but the opinions adopted last year by the government, and embodied in the resolutions then proposed to the House; the commissioners suggested nothing more than was contained in the instructions sent out by Lord Aberdeen, to Lord Amherst, with this exception, that Lord Aberdeen had said that what was to be done should be accomplished only on the Assembly agreeing to discharge the arrears due to the civil authorities and the judges, and enabling those officers to perform their functions. On the granting of these supplies, the colonial-office was willing to consider fair proposals; and if, after his noble friend's propositions had been laid before the legislative assembly, offering to give the members a control over the public revenues, on condition of a proper provision being made for the civil list, and for the due payment of the salaries of the judges and of the civil officers—if, after that, the Assembly had rejected the offer, his noble friend would have come to parliament for assistance; he would have stated, that the offer had been made and that it had been rejected—that government had no other source on which to depend for the payment of the salaries of the judicial and other functionaries than on the produce of the Crown revenues. The parliament would have acted upon this, and would have granted a sum within its control, and the conduct of the government would have prevented an outbreak. I can show, Sir, that the exact contrary course has been pursued—that the hopes held out of an amicable settlement have been defeated in consequence of the unlucky accidents and the conduct of the government and of their officers, notwithstanding that it had been distinctly stated that there was every reasonable prospect of an amicable adjustment. In one place Lord Glenelg attached the utmost importance to the preservation of strict secrecy as to the instructions given to the commissioners, and said that the strict preservation of this silence was essential to the success of their mission, but observed that he could not too earnestly enjoin their great circumspection in this respect; that no indiscreet word should pass, or reference be made to them, but that even in the questions proposed to a witness, and in the very manner and tone in which they were put, this habitual caution should be preserved. Allow me to ask how these instructions were to be accomplished? What was the particular look which the commissioner was to put on, when a person was under examination, to prevent him from having any suspicion of the commissioner's opinions or instructions. Lord Glenelg said, that this silence was most essential to the success of the mission—that great circumspection was to be used, and that this habitual caution was to be preserved—and finished by saying that this course was of the utmost importance for the prevention of jealousies, and to keep alive the goodwill of the Canadians. The commissioners went out; and Lord Gosford opened the legislative assembly in a speech which was well calculated to raise false hopes on behalf of the Canadians. He had not read his instructions to the Assembly; and though his speech was so worded, and was so equivocal, that to an unpractised eye it left the whole matter open, yet in the instructions it was the manifest intention of government that the legislative council should not be rendered elective. If I wanted an instance of misleading I could not select a more flagrant one. Lord Gosford, indeed, stated in round terms that the constitution would be supported by the government, which was willing, however, to sanction such reforms as did not militate against the integrity of the institutions of the country. No man could doubt that he would have declared against an elective council; but instead of so doing, his lordship said, that if the Assembly desired an elective council they might express their opinions on the subject to the government, and thus the Assembly was left without the means of ascertaining the intentions of the government, though it was evident to those versed in the perusal of dispatches that there was to be no elective council. You allowed, however, Lord Gosford to go to Canada, and when he got there he delivered a speech to the Assembly, in which it was left extremely doubtful whether the Canadians were to have a legislative council or not, or whether even the question was perfectly open for consideration. And what was the result? The Canadian Assembly voted an address to the governor, not precisely agreeing with the former hope of adjustment. I wish to establish one or two of these points of policy as a specimen of what might easily be extended to ten or twelve others, and to entreat the particular attention of this House to them, that they

may hear what answer the noble lord can make to them. After the first speech of Lord Gosford, all hope of adjustment and accommodation was at an end. Sir George Gipps said, "I did not think that we were ever at liberty to publish the instructions, and even if we had done so, no good effect could have been produced. We were so far successful, that there was every reasonable prospect that on the 9th of the last month the arrears of the last three years and the supplies for the current year would have been granted." It is one of your own commissioners who says this, as if the first speech of Lord Gosford had had so much effect on the Assembly as to induce them to grant the arrears of the supplies for three years. Then what afterwards took place? These instructions, which Lord Gosford had withheld, stating the importance of their being kept secret, were published *in extenso* by Sir F. B. Head, in Upper Canada. And what was the consequence? "We had," said Sir George Gipps, "the most complete assurance that, on the 9th of March, 1836, the determination to grant supplies for three years was adopted and approved of at a meeting of the persons of the greatest influence in the Assembly, the question being to come on, on the 9th; when on that day, however, the dispatches, which had been published in Upper Canada, reached Quebec, the course of proceeding was at once changed. The question of arrears was at once set aside, supplies for six months were granted, and now the majority of thirty-four or thirty-five was once more reduced to the old minority of eight, though the question of supply had been carried by thirty-five against forty-seven." Now what does this show? That in the first communication made by Lord Gosford the minority in the Assembly was thirty-five to forty-seven. Sir Charles Grey and Sir George Gipps said, that in a private meeting of the leaders of the Assembly, it was determined to grant three years' arrears of supplies; your instructions are then published, and your minority is reduced from thirty-five to eight, and all hopes of accomplishing the end so much desired are thus lost, in consequence of the misconduct of your own officer. Then what said Lord Gosford? He gave the same account of the matter. Every hope which had been entertained failed, and whose fault was it—what was the cause of this—the publication of the instructions occurred? Lord Glenelg communicated the dispatches to Sir F. Head, and although in Lower Canada he had forbidden their publication, he said nothing on that subject with regard to Upper Canada—he gave no command that there should be any caution exercised in their publication, but on the contrary, he told Sir F. Head that he must lay the substance of the dispatches before the assembly in Upper Canada. It was conceived necessary that the two colonies, being closely connected, the assembly of Upper Canada should be made acquainted with the intentions of the government, and so by this course every hope of an amicable settlement was destroyed. Is not this a case, then, in which, from want of foresight, and from irresolute conduct on the part of the ministers, a great evil has arisen? You well knew the state in which the country was; there was a disaffected and dissatisfied body then ready to take advantage of every blunder or false step which you might make; and was it not, therefore, the more imperatively your duty to take care that you did not give an opportunity to them to improve their position against you, in consequence of your apparent negligence? You pursued the same course with reference to the executive government. You deluded them there, too, with false hopes. I am not charging you with any want of conciliation; but that it was through your vacillations and your blunders, that the reasonable hopes which had been entertained of an amicable adjustment were taken away. Then again, you gave the dissatisfied parties a great advantage over you, on account of your exciting hopes for the improvement of the executive council. Now that is the only other point to which I will refer, the noble lord, the member for North Lancashire, having already alluded to the legislative council. Now, how stood the executive council? When you proposed resolutions last year, one of the conditions on which you gained the assistance of public men was, that you would make some improvements in the constitution of the executive council. The privileges and favours, and acts of grace, by granting which you were disposed to reconcile men for the loss of their constitutional privileges, was the very same improvement which you had before promised in the same terms in which your resolutions were couched. A future improvement was promised with respect to them; but would any man for one moment doubt, that at the same time

tial tribunal, was to transfer it to some extraneous jurisdiction, to dispossess the House of Commons of all authority in respect to decisions in controverted elections, and to vest the power in some tribunal, having no necessary connection with the House of Commons. He would avail himself, therefore, of the opportunity which the moving of the order of the day gave him, for the purpose of submitting his general views, not so much in respect to the details of the measure, as to the principles by which, in his opinion, the House should be governed, in sanctioning any amendment of the law respecting the trial of controverted elections. As he was desirous of divesting his observations altogether of party colour, he begged leave at the outset, to state, that the suggestions he should offer were merely his own individual suggestions. He spoke the opinion of no other member; in point of fact, he had conferred with none. He therefore should suffer no disappointment in the event of his observations being deemed by the House unworthy of adoption. He offered them merely as his own individual suggestions. He was most desirous of seeing the difficulties of the present system effectually remedied, and he was most desirous, also, that the discussion on this subject should not partake either of the asperity or bias which party discussions were necessarily subject to. As he stated before, the suggestions he meant to offer were entirely his own, and in order that he might not incur the risk of acting under the influence of party bias, he avoided communicating with any one. He presumed he might take for granted that no party in the House was desirous of upholding the present system, and that for the character of the House, as well as for the sake of securing impartiality in their decisions, it was most desirable that they should apply themselves deliberately to the consideration of a remedy. He thought he might assume, that this was the prevailing opinion of the House. In point of fact, the very reading of the present bill a second time, implied, that the opinion of the House was in favour of some alteration of the present system. This, therefore, being conceded, the question was, what amendment should be proposed? Should they transfer the jurisdiction from the House to some other extraneous tribunal, or should they, while retaining the jurisdiction to themselves, seek to apply a remedy to the admitted evils? He had expressed an opinion the other day, after the strong opinion declared by some gentlemen, in which a considerable body of members appeared to participate, that the time had arrived, when they ought to consider the expediency of a transfer of the jurisdiction; he had expressed a strong opinion that it was desirable that there should be some discussion on the subject. The observations he then made, appeared to meet with considerable concurrence, and he then expressed himself desirous of being understood as by no means pledging himself on the subject, that he intended to apply his mind to the question, and to give it an impartial consideration, but that he reserved the declaration of whatever opinion he might come to, for a future opportunity. He had given this important subject the consideration to which it was entitled, and he must say, that the result was, that he was strongly of opinion that it would not be desirable for the House to part with its jurisdiction. He had entered upon the consideration of this subject, perfectly unprejudiced, with rather, if any thing, from a sense of the defects of the present system, an inclination to part with the jurisdiction, but more mature consideration induced him to take a different view, and, with the permission of the House, he would proceed to state the grounds upon which he entertained a strong opinion that it would not be for the public advantage, or for the character, or interests, or privileges of that House, to divest themselves of jurisdiction over controverted elections. He entertained this opinion upon two grounds, first, there being a strong constitutional objection to the transfer; and secondly, on the ground of the extreme difficulty of constituting a new tribunal to which the jurisdiction should be transferred, or of determining the rules upon which it should proceed in its decisions. When he looked back to the early history of the circumstances under which the House asserted its claim to this jurisdiction, he was bound to say, that he thought that claim was asserted under circumstances which made him most reluctant to part with it. Early in the period, when the great conflict arose between the House of Commons and the Crown, with respect to the assertion of their privileges, the House claimed this as one of its most important rights. He was quite ready to admit, that this jurisdiction might be parted with, without incurring precisely the same risk that accompanied the transfer at the



period at which the transfer took place; the jurisdiction was not now so necessary for the maintenance of the independence of the House of Commons; but, while he admitted that the same risk would not accompany the transfer, he must say, that he had come to the conclusion, that it would be most unwise on the part of the House of Commons to part with it. The first instance in which the right of deciding upon controverted elections, became matter of serious controversy between that House and the Crown, was in the reign of Elizabeth. "In that reign, a question arose with respect to the return for the county of Norfolk. The fact was, that the chancellor had issued a second writ for this county, on the ground of some irregularity in the first return, and a different person had been elected. Some notice having been taken of this matter in the Commons, the Speaker received orders to signify to them her Majesty's displeasure, that 'the House had been troubled with a thing, impertinent for them to deal with, and only belonging to the charge and office of the Lord Chancellor, whom she had appointed to confer with the judges about the returns for the county of Norfolk, and to act therein according to justice and right.' The House, in spite of this peremptory inhibition, proceeded to nominate a committee to examine into and report the circumstances of these returns, who reported the whole case, with their opinion, that those elected on the first writ should take their seats, declaring further, that they understood the chancellor and some of the judges to be of the same opinion; but that 'they had not thought it proper to inquire of the chancellor what he had done, because they thought it prejudicial to the privilege of the House to have the same determined by others than such as were members thereof. And though they thought very reverently of the said Lord Chancellor and judges, and knew them to be competent judges in their places, yet in this case they took them not for judges in parliament in this House; and thereupon required that the members, if it were so thought good, might take their oaths, and be allowed of, by force of the first writ, as allowed by the censure of this House, and not as allowed of by the said Lord Chancellor and judges: which was agreed unto by the whole House.' This judicial control over their elections was not lost. A committee was appointed in the session of 1589, to examine into sundry abuses of returns, among which is enumerated, that some are returned for new places; and several instances of the House deciding on elections, occur in subsequent parliaments." This passage was from *Hallam's Constitutional History*, who went on to say that—"The establishment of the jurisdiction in the hands of the House of Commons, was the consequence of the attempt made by Elizabeth to claim the jurisdiction for the judges of the Court of Chancery. The claim, however, was not abandoned by the succeeding sovereign, for in the first year of James I., the same attempt was made by the Crown, to set aside the precedent established by the House of Commons in the reign of Elizabeth. The attempt was made upon the accession of James I. The question arose, upon this case, between Sir Francis Goodwin and Sir John Fortescue. Sir Francis Goodwin had been elected knight of the shire for the county of Buckingham, and was adjudged by the clerk of the Crown not to have been duly elected, because he was an outlaw. This led to a controversy between the Crown and the House of Commons. The House of Commons presented to the Crown the humble answer of the Commons House of Parliament to his Majesty's objections to Sir Francis Goodwin's case. Objection the first, That we assume to ourselves power of examining of the elections and returns of knights and burgesses which belongeth to your Majesty's chancery and not to us. Our humble petition is, 'That until the 7th of Henry VI., all parliament writs were returnable into parliament, and consequently the returns were then examinable.' That in that year an act was passed, making the writs returnable into the chancery; but, says the Commons, 'The power of parliament to examine and determine of elections remaineth, for so the statute hath been always expounded ever since. The clerk of the Crown hath always used to attend all the parliament time upon the Commons House with the writs and returns; and also the Commons, in the beginning of every parliament, hath ever and used to appoint special committees for examining controversies concerning elections, and returns of knights and burgesses.' This practice is warranted by reason and precedent. By reason, 'Because the court in which the service is due ought to be the court which has the examination of the rights of its members, and it is warranted by precedent.' The House went on to enumerate

tecting you? I cannot vote for the motion of the hon. baronet, the member for Leeds, as I think the motion is unjust in its nature. If a minister of the Crown had committed, in his particular department of the government, some act of gross neglect or malversation, or some act for which he was singly responsible, it would be perfectly right that the House of Commons should signify to the Crown its reasons for demanding the removal of the minister from the councils of the Sovereign. In this instance, however, the charge against Lord Glenelg involves an attack on the whole course and policy of the colonial government. But, according to the motion of the hon. gentleman, his object would apparently be attained by the removal of Lord Glenelg from the colonial department, and the substitution of himself, or any other liberal politician, in the place of that noble lord. This, however, will not satisfy me, for you will only relieve all the rest of the government from any responsibility by making the sacrifice of one individual minister, whom you will replace by another individual. The hon. gentleman said that his object was to visit the whole government with censure. Why, then, does the hon. gentleman propose to remove one minister with the view of punishing the whole? Why not regard the colonial policy of the government, not as the act of one minister, but of the whole cabinet, and call on the House to express an opinion on it? The noble lord, the Secretary for Foreign Affairs, made a proposition which would have removed some of the difficulties they now experienced—the noble lord might have pursued a course which, after the panegyric he passed on his noble friend, the Colonial Secretary, appeared to be the natural course, the noble lord might have moved a counter-resolution, implying the approbation of the House for the colonial policy of the government. The hon. baronet gave the noble lord such a fair opportunity that I cannot understand how flesh and blood could hear an attached friend assailed in the way in which the noble lord the Colonial Secretary was attacked, without coming forward to his rescue with such a proposition, and I cannot help feeling that the noble lord, the Secretary for the Home Department, will still adopt this suggestion, as he adopted my amendments to the Canada bill. If the noble lord opposite will propose the counter-resolution, approving of the colonial policy of the government, I will venture to promise on the part of my noble friend, the member for Liverpool, that my noble friend will waive his resolution, and will consent to fight the battle upon this point of the resolution alone. The hon. baronet proposed, “That an humble address be presented to her Majesty, respectfully expressing the opinion of this House that, in the present critical state of many of her Majesty’s foreign possessions in various parts of the world, it is essential to the well-being of her Majesty’s colonial empire, and of the many and important domestic interests which depend on the prosperity of the colonies, that the colonial minister should be a person in whose diligence, forethought, judgment, activity, and firmness, this House and the public may be able to place reliance.” That hon. members mean to negative a resolution which sets forth such an extraordinary collection of qualities in an individual, is not surprising. But it is rather hard on the part of the noble lords and the right hon. gentlemen opposite, to give a direct negative to the proposition that another minister of the Crown—their colleague in office—should be a man of diligence, forethought, judgment, activity, and firmness. I certainly cannot agree to the hon. baronet’s motion, but I trust that a distinct vote of approbation of the Canadian policy of the government will be proposed, upon which the sense of the House can be taken. For the resolution of the hon. baronet, another might be proposed which might run thus:—“That an humble address be presented to her Majesty, respectfully expressing the opinion of this House that, in the present critical state of many of her Majesty’s foreign possessions in various parts of the world, it is essential to the well-being of her Majesty’s colonial empire, and of the many and important domestic interests which depend on the prosperity of the colonies, that the colonial minister should be a person in whose diligence, forethought, judgment, activity, and firmness, this House and the public may be able to place reliance; and seeing that the noble lord at the head of the colonial department does embody in himself these various qualities of diligence, forethought, judgment, activity, and firmness, this House is of opinion that the administration of the affairs of the colonies of this country should continue to be committed to the noble lord.” That is the amendment which I suggest, and if it is taken up by the noble lord, we will withdraw the

proposition which we have made, and divide on the noble lord's resolution. And observe, the noble lord has a recent and powerful precedent in favour of such a course. When hon. gentlemen in opposition attacked the Spanish policy of Mr. Canning, Mr. Canning did not content himself with a mere rejection of the resolution; he moved no previous question; he proposed no direct negative; but he moved a counter-resolution, expressing the entire confidence of the House in the line of policy which had been attacked. This is the most recent example of the sort, and its adoption by the noble lord on the present occasion will remove every difficulty. The proceeding of the noble lord has considerably amused me; for after loudly panegyrising the noble lord in another House—to whose great talents and high character I bear a willing testimony—after having gone over the terra-queous globe, for evidences in favour of that noble lord, the noble lord opposite assumed this bold attitude of defiance: he said, "I will move no previous question; I will leave the previous question as a shelter for others; I will"—I thought the noble lord had been going to propose a resolution of perpetual confidence in Lord Glenelg—but, said the noble lord, "I will meet the motion with a flat negative." Surely noble and hon. members will not let the occasion pass over without some faint testimony of approbation of the unhappy victim singled out by the hon. baronet. Sir, I repeat, I cannot vote for the motion of the hon. baronet, because I think it unjust; but at the same time, I cannot vote to negative the motion, because this latter course might be considered as an implied approbation of the Canadian policy of ministers. But this being the case, will the noble lord tell me what course it is which he would have advised us, who entertain strong opinions on the subject, to pursue, or what pretence of a charge there is against us for having embodied our own opinions in resolutions directly charging the government as the cause of the evils which have taken place in Canada. Sir, I do not know what the result of this motion may be; but this I know, that the course which has been adopted by the other side of the House on this debate, of appealing to the political partialities of friends, instead of relying on the justice of the cause, instead of showing that the charges are unfounded, convince me that it is entirely impossible for us—the terms being adhered to in which the resolution was mooted—to meet it in any other way than by a distinct declaration of our opinions. At the same time, it is equally for the honour of the party with which I am connected, that, whatever may be the result of the amendment, it should be so framed as to express the feelings on one point, of even those gentlemen who, while they differ from us as to the government principles of colonial policy, cannot refuse, at least, to approve of our sentiment of exultation at the success of her Majesty's arms, and the restoration of tranquillity in Canada. Of this I am sure, that we should have been charged by you with weakness and timidity, if we had adopted an evasive course, and that we should have been degraded and dishonoured if, when we found ourselves compelled to approach a discussion on the Canadian policy of the government, we had shrunk from declaring that we reprobated the system which had been pursued, and that, manfully adhering to the opinions which we have always expressed, while we are determined to support the authority of the Crown, we will visit with our censure those who we think were the real authors of the revolt, and who have contributed to undermine the power, and weaken the resources of this great empire.

The House divided on the amendment; Ayes, 287; Noes, 316; majority, 29.

## CONTROVERTED ELECTIONS.

APRIL 2, 1838.

On the motion that the Controverted Elections' Bill be re-committed,—

SIR ROBERT PEEL said, that some time since, he expressed an opinion that it would be desirable, before they made any progress with this measure, that there should be a general discussion as to the specific questions which should govern their amendment of the law on this subject. An opinion had been expressed very strongly by some hon. gentlemen, that no attempt to amend the present system, could be effectual for the purpose, and that the only hope of constituting an impar-

that you made the communication, you should have been ready with your act of grace. Can any man doubt, that the country being in the state in which it was, the people being divided, and each party seeking to take advantage of any laches which the government might make, that it was the duty of the government to deprive them of the opportunity of saying, "You have made promises which you have not performed; you did not do as you declared you would; but you have made some vain excuse for your neglect?" In 1836, what said the committee with regard to the executive council? I want to show you the conduct of your own officers, for there can be nothing more singular than their conduct. On the 14th of March, 1836, Sir G. Gipps said, and I request the House to pay attention to what was his evident feeling on the subject—"As the governor, in his speech, on the 27th of October, 1835, declared the constitution of the executive council to be vicious, and promised some alteration, I think we may be expected by this time to have adopted some settled opinion with respect to the alteration which it is proposed shall be made. Why, here is the opinion of your own commissioner, who thinks that some alteration having been promised in the executive council, by the governor, in the month of October, 1835, every one would be struck with the idea that, six months having elapsed, sufficient time had been allowed for the government to make up their minds. In 1837, it appears, matters have got into such a state, that the government is obliged to take fresh means, and they again promise some improvement in the executive council, and then Lord Gosford writes that there is no further excuse for procrastination; but still, when the time comes, nothing is done on the subject of the executive council. You knew the state in which the colony was, but in spite of that, you lay resolutions on the table of the House of Commons. You knew the position of the colony then as well as you did when Lord Gosford made his last speech, and why not say that the difficulties were insuperable, or why not at first take the course which you were afterwards compelled to take? Why not say to Lord Gosford, "We are unable to make a selection, we have implicit confidence in you, and we tell you beforehand, we leave it to you to make the selection, and therefore, exercise the utmost vigilance, and make that selection which appears to be the best." Here we have another instance, and it is the last to which I shall refer, of the failure of the hope of an amicable settlement being come to, and in this case it proceeded from your not having fulfilled the promises which you made. I have thought it best to go into these minute cases, because, if I had dealt in declamation, the noble lord would have said that I rested my case on general statements of charges without having cited any specific case, or without having drawn the attention of the House to any positive instance in which false hopes had been raised, and had not then been realised. I have endeavoured to show a few instances in reference to the conduct of government respecting the executive council, and also in respect of the instructions forwarded to Sir F. Head, and that it was in consequence of your own acts in those instances that the difficulties arose. I will not go into the question with respect to the military force, but it appears to me that there is proof that three years ago there were parties in Canada who were influenced by different feelings in politics, and sufficient warning should have been deemed to be given by that circumstance alone to have induced the government to see the necessity of having a sufficient force in the colony to meet the advances of either party, without one party being called upon to contend with the other. It was not merely your duty to suppress the revolt when it should take place, but you should also have been prepared to meet it with your own power, and without the necessity of calling on either party to defend the colony by means of its voluntary aid. On these grounds it is, that I feel justified in giving my support to the resolution of the noble lord, with a view to expressing my opinion on your conduct with reference to Canada. I am not forced to bring the motion forward in consequence of any pressure from without; but because an hon. gentleman gave notice that he should call the attention of the House to the colonial policy, and I wished to know in what position I and the party with which I have the honour to act, are placed in reference to that motion. At the same time, as I said before, I shall make no apology to the House. But this is a perfectly novel proposition, that the motion should not be agreed to, because there is a chance of displacing the government by it. There is no defence urged by hon. gentlemen opposite, who

state they shall oppose both the original motion and the amendments of the Canadian policy of the government. You have not a word to say in vindication of the charge of vacillation and irresolution brought against the government. Every hon. gentleman on the other side, who is not connected with the government, who has addressed the House in the course of the present debate, has abandoned this point, and has admitted that the conduct of the colonial department has been characterised by vacillation, irresolution, and want of foresight. The first hon. member who addressed the House last night after the noble lord, the Secretary for Foreign Affairs, was the hon. member for Marylebone, who said—*I took his words down at the time*—"I think that the Canadian policy of the government is exceedingly bad," although the noble lord, the Foreign Secretary, who spoke immediately before the hon. gentleman, had said that the Canadian policy of the government was the first and brightest gem in the course of policy pursued by the present government. The hon. gentleman was followed by other hon. members on the same side, who declined voting for the amendment; but, at the same time, every one of these hon. gentlemen said, that he could not approve of the conduct of government as regarded the affairs of Canada; but all joined in a general chorus against the amendment, because they said they thought, if it were successful, we should succeed to office. Was this a sufficient reason for withholding assent to the proposition before the House? The right hon. gentleman, however, had been searching for grounds of consolation for a beaten government. The right hon. gentleman read an amusing piece of writing as to the degree of beating which a government could receive consistently with its continuance in office. The right hon. gentleman looked back, under the infliction of the stripes received last week—for, out of the five divisions which took place last week, the government were beaten upon four of them—for some consolation to the number of defeats sustained by former administrations. "I will apply," said the right hon. gentleman, "to the records of past beatings, to see what degree a government can sustain, and continue to exist." The right hon. gentleman quoted several occasions where former governments had continued after being defeated, and quoted the instance of the salt-tax and other measures, when, he said, the Tory government were severely beaten. I could, however, in addition to the cases quoted by the right hon. gentleman, mention other instances of men remaining in office after repeated beatings. Notwithstanding the conduct of all that have preceded us, notwithstanding all the cases quoted by the right hon. gentleman, and notwithstanding, what I never doubted, his tenacity of life under the infliction of a severe beating—tenacity, however, which I admit is produced by the same motive which influenced myself while in office, namely, a sense of duty to those with whom I acted—I am afraid that the right hon. gentleman, with all his tenacity of life, could hardly survive, if beaten under the present circumstances. The right hon. gentleman asked, how can we persevere in our amendment, seeing we are incapable to form a government, in case we should drive the present administration from office? But I trust we are to come to a division on the colonial policy of the government; not on our power to form an administration. I have not to consider, at the present moment, what government could be formed; I have only to look to what the honour of the conservative party demands, for the purpose of vindicating their heretofore expressed opinions as to the misconduct and weakness of the government in its Canadian policy. The hon. baronet brings forward a motion on the subject, and what would the right hon. gentleman have me do? Would he have me absent myself from the House altogether? Not to appear here and avow my opinion, as long as I have a seat in the House, would be a course of proceeding to which I shall never assent. I might be compelled to give my vote on any particular question from a sense of duty, or a question might be put in such a way, that I could give no opinion either on the one side or the other; but this I never would consent to, namely, to refuse to appear here, and abstain from expressing my opinion on any particular line of policy. This is what I have never done, and it is what I never will consent to. But would the right hon. gentleman have us to move the previous question? Alas! you have so damaged the previous question, that, for some time to come, no gentleman will like to be seen in its company. After the exhibition you made of the previous question last week, you can hardly wish for the renewal of it; and what would you say to me if I proposed it, for the purpose of shielding and pro-

various precedents in the reign of Elizabeth, in which the exclusive right to adjudicate upon controverted elections was reserved to the House."

The example had been followed in every popular assembly constituted in any state that had adopted the British constitution as its model. He believed that, without exception, in all states in which a free government prevailed, the popular branch of the constitution had claimed those privileges as peculiarly belonging to a popular assembly. They claimed the exclusive right of examining into the qualification and due return of its members, and nothing but the strongest conviction that justice would not be done, could make it expedient, in his opinion, to part with the power which the House of Commons possessed. Although, therefore, upon constitutional grounds he was of opinion that it was of the utmost importance that the House should not part with its exclusive privilege of adjudication upon the rights of its members, at the same time he must say, that this must be subordinate to considerations of justice. Justice must be administered, and he did not hesitate to say, that, provided they could not have a guarantee for the administration of impartial justice from the present system, a strict adherence to it ought not to prevail. But he feared that the utmost difficulty would be found in constituting a new tribunal, supposing the House to be determined upon the expediency of making the experiment of a transfer. To what tribunal was the jurisdiction to be transferred? He apprehended that they would not be satisfied to transfer it to any inferior authority to that which adjudicated upon the civil rights and liberties of her Majesty's subjects. He should think it would be expected that the judges of the land, or some others of equal authority, should, in case they parted with the jurisdiction, be the parties who should exercise it. He had the strongest objection to mixing up the judges in matters of mere politics. The judges, in the execution of their duty, must, no doubt, decide upon political matters. Great questions of political libels, sedition, and treason, were determined upon by them; but, then, the adjudication of controverted elections partook of party, as distinguished from political considerations; and he must confess, considering the universal satisfaction that now prevailed with the administration of civil and criminal justice in this country, and the universal conviction that it was as important as the administration of justice itself, that there should be no suspicion of partiality, he thought that this universal feeling of confidence might be seriously weakened, if they made the judges of the land the persons to adjudicate upon party disputes. But then, again, would they intrust this power to a single judge? Supposing they overruled the objection, as to the danger of prejudicing the character of the judge, by devolving upon him a duty partaking of a political character, would they in all cases devolve upon a single judge the duty of determining both the law and the fact of controverted elections? If they did so, he thought that this would be a monstrous power to give to a single judge, to decide both the law and the fact in cases of controverted elections. If, on the other hand, they adhered more closely to the general principles of the law, would they have any security that a jury, however constituted, would be more free from political bias than the members of the House. Or would they sanction, in this case, a departure of that great principle of our jurisprudence which required an absolute unanimity amongst the jury to convict? In his opinion, if they did not require unanimity in this case, they would be originating a precedent for a very serious encroachment upon the constitution of juries, as established in this country. If they required unanimity on the part of the jury, he thought it would be very difficult to select a jury of twelve men who, in matters involving so many dubious points in law, and so many intricate matters of fact, should arrive at an unanimous verdict. There was another point also, which suggested itself to the House, with reference to any contemplated external judicature in controverted elections. Would they require of the judge, who was to try these cases, the same strict adherence to law as in purely legal cases in the courts of Queen's Bench and Common Pleas? If so, in his opinion, there would be many cases which parliament would investigate and visit, which in the application of the strict letter of the law might escape. It appeared to him, therefore, that if a judge were appointed to try election petitions, either he must be guided by the moral principles and discretion of parliamentary law, or he must depart from all the rules and principles which had hitherto guided election committees, to the strict legal doctrines which prevailed in the courts of law. Now, either of these alternatives

appeared to him to be open to great objection; he thought it equally objectionable that the rules of the courts of law, should be rigidly adhered to in election cases, or that the judges should have to administer a species of law with which they were not familiar, and which was applied by parliament, rather on lax and equitable principles, than by well-defined rule, and which differed materially from the strict statute, or common law of the country. On this double ground, he thought the Crown would find so much difficulty in appointing a tribunal for this particular purpose, that nothing but an insurmountable ease of necessity, amounting to demonstration, should induce the House to forego its present privilege of deciding upon the seats of its members. At the same time, if it could be proved, that justice could not be done without seeking a new tribunal, that would be such an argument of necessity, as would, of course, overrule all his objections. It was, however, because he did not despair of finding a tribunal in this House better qualified, in his opinion, than any other, to decide upon these points, and better calculated to give a verdict which should meet the impartial justice of the case, and give general satisfaction to all parties, that he should support the retention of this judicial authority by the House. He was far from abandoning the hope of being able to constitute within this House a better tribunal in these matters than could be constituted any where else, and of the perfect impartiality of which, as well as of their competency, there could be no doubt or suspicion. Whatever course they took—whether they retained their jurisdiction in its present form, or consented to its entire transfer to an extraneous tribunal, or whether they retained it in a modified and altered form, he thought the suggestion of his noble friend (Lord Stanley) was well worthy of consideration, and that a committee ought to be appointed, with a view to determine by what preparatory law they could put an end to the doubts and differences of opinion which prevailed upon several points of election law, and which led to adverse and conflicting decisions. At the same time, he must say, that the complaints against election committees, arose frequently from the mode of selection, and from having young and inexperienced men to adjudicate upon points of law which were full of doubts and difficulties, and on which great differences of opinion prevailed. He thought, therefore, that a declaratory law, clearing up existing doubts, would be an important preliminary to whatever form of tribunal they might hereafter decide upon adopting. Let the House take, for example, the question of distance, the mode of admeasurement of the seven miles. What could be easier than for the House to decide that? Let them look to the question of trusteeship of chapels, upon which the revising barristers were constantly coming to opposite conclusions. Was it to be wondered at, then, that election committees, having such questions to decide, should be confused by the opposite decisions, and should come to conclusions different from those arrived at by other committees, and without the slightest ground of partiality? Why, he asked, should not parliament interfere under such circumstances? Let them take the case of an overseer, who had the power, by his own neglect, to disfranchise 100 persons. Surely, nothing could be more unjust, than that any public officer should be allowed, through his own neglect, and without any fault of theirs, to disfranchise a large number of voters. So there were many other questions of a similar nature, and of the like importance, which, he thought, on a careful review by a well-selected committee, might be set at rest. He did not, however, overvalue in extent the importance of judicial decisions of this kind; for it would be almost impossible to anticipate and lay down the law, upon the points of difficulty or dispute which might possibly arise. For the House to step in to define what bribery was, for instance, would be almost impossible, so as to foresee and guard against every variety of circumstance under which it might present itself. Therefore, whilst he thought it desirable that the House should declare the law upon some disputed points, which had already arisen and become ascertained, he did not expect, having done that, they would have gone very far towards removing all the evils and difficulties of the present system, though he thought they would have done much towards preventing unnecessary litigation and expense, which was, in his opinion, one of the main evils attendant upon every process of trial in this country. They would be doing much in clearing up and setting at rest disputed points, which, as long as they remained doubtful, induced speculative men to enter upon litigation, and engage themselves and others in much unnecessary and fruitless expense. This would operate as a relief equally

to members and to their constituent bodies. He hoped, therefore, that the House, without entertaining the idea of establishing new tribunals in this matter, would appoint a committee upon the subject. This, he considered, would be an essential preliminary in any case, whether with the view to the establishment of a new tribunal or not. As far as the time which he had for the purpose would allow him, he had endeavoured to ascertain what were the practices of assemblies, answering to the House of Commons, in the different countries of the world, where a constitutional form of government existed. The result of these inquiries was, that he found it uniformly, and without exception, to be the case, that these assemblies had adopted the principle acted upon by the British House of Commons, namely, that of deciding for themselves upon the qualifications and seats of their members. Without tiring the House with a variety of details from all these quarters, he would select, as the two most important instances, the practices of France and of the United States. In France, the ultimate decision upon every return was entirely in the Chambers, so that they were there very much in the position in which this House was, before 1770, when the Grenville Act was introduced. The French Chambers did not devolve upon any committee the business of deciding upon the seat of a member, but reserved that final right to the whole constituent assembly. The right hon. baronet read the following statement from a paper of the French practice:—

“A detailed account is kept, in each Electoral College, of all the proceedings that take place day by day, during the progress of the election. It includes a statement of the fact, that all the formalities required by the law have been observed—the claims of voters—the protests against alleged irregularities in the proceedings.

“These detailed accounts, or *procès verbaux*, are sent by the Prefect of the Department to the Minister of the Interior, and by him are transmitted to the Chamber of Deputies.

“Petitions by parties interested, complaining of irregularities at the election, may be addressed directly to the Chamber of Deputies.

“Each member sends to the Chamber the proof of his qualification. That is, a certificate of his birth, and certificate of his payment of his amount of taxes, required by law to constitute his pecuniary qualification.

“The verification of the rights of the deputies to their seats is the first duty of the Chamber.

“The day after the opening of the session, the Chamber is divided by lot into the nine bureaux. There are 459 deputies; each bureau, therefore, consists of 51 deputies.

“The *procès verbaux* of the elections, and every document relating to the elections, are divided among these bureaux, each of which meets in a separate apartment.

“Every bureau makes a report to the Chamber, on the subject of the elections of which it has had charge, and recommends that they shall be declared valid, or annulled, as the case may be.

“The Chamber divides on each.

“The general principle observed in France is—

“1. That the whole Chamber of Deputies, and that authority alone, can pronounce definitively on the validity of an election.

“2. The final decision on every question connected with the validity of an election, the rights of the electors, the regulating of the proceedings, the qualification of the member, is with the Chamber.

“3. Every thing which precedes the final discussion and decision of the Chamber, is merely a preliminary examination, intended for the information and instruction of the Chamber. The decisions are presumed to constitute the rule by which future decisions in analogous cases are regulated.”

Having read these particulars to the House, he must say that he apprehended that the practice of France could not form a rule for their proceedings on the present subject; for if any one would take the trouble to refer to the debates which took place in the House at the time of passing the Grenville Act, he would see that the general adjudication of the House upon contested elections was considered one of the most objectionable features of the old system. He would now beg the attention of the House to a few particulars of the same kind from the United States, which he had from a person of very good authority, in whom he placed the highest reliance:—



“The Speaker is elected at the commencement of each Congress, by a majority of members, by ballot.

“Exercising important political powers, his political opinions are generally in accord with those of the majority. He appoints all the standing and select committees, though by a rule of the House, the House may do it if they please. This, however, is rarely done, except in relation to select committees under peculiar circumstances, or when it is desirable to the Speaker that it should be done.

“There is no other security as to fairness or impartiality, in the appointment of committees by the Speaker, than that which a high sense of duty and a just regard for his own character and that of the House may be supposed to inspire.

“In the construction of the important committees of the House, where subjects involving political principles, or affecting the existing administration, political considerations must operate, at least so far as to give a majority of the committee to the dominant party. The committee of privileges and elections is, however, free from the objection of political bias than most others.

“Objections on this score have been sometimes made, especially under high party excitement, and can be urged against the report of the committee when it comes into the House. Few decisions of the committee are reversed, and in a service of more than fourteen years, I have not, I think, known more than one or two reversals. The system has generally worked well, and no effort has ever been made, within my knowledge, to change it.

“All contested elections are submitted to the committee of elections in the first instance, who examine and report their opinion, with the evidence, if desired by either party, or the House, or deemed by them necessary.

“The rules are, that all committees shall be appointed by the Speaker, unless otherwise directed by the House, in which case they shall be appointed by ballot.

“It will be the duty of the committee of elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in the House, and to take into consideration all such petitions and other matters touching elections and returns, as shall or may be presented to come into question, and have been referred to them by the House.”

It would be seen from this that the committee of privileges of the United States did not differ very widely from the election committees of this House, except that the power of adjudication was, in the United States, in the House. Having entered sufficiently into these circumstances, he would now approach what appeared to him to be the most important question which this subject involved, namely, what practical remedy the House should adopt in respect to the adjudication of contested elections, assuming that it retained its jurisdiction in this matter. He thought it could not be denied, that for many years after the Grenville Act was passed, it worked practically well; and he (Sir Robert Peel) certainly recollected that in his earlier parliamentary career, he had not heard so many objections urged against it as had lately been raised. He would very briefly state what, in his opinion, were the chief defects of the present system. In the first place, all the preparatory proceedings were of a nature to taint the rest. Each party naturally endeavoured to secure as numerous an attendance of the adherents of his party as possible, and the consequence was, that the public saw an unusually large assemblage drawn together, for the purpose of striking an election committee, and a degree of excitement and zeal prevailing amongst the members of both parties, which very ill accorded with all the moral notions of a judicial proceeding. When men assembled together in large numbers, for any purpose calculated to awaken their political feelings, they were much more liable to be betrayed into party decisions than they would be, individually, if invested alone in their own persons with certain duties, and duly sensible of the responsibility which they incurred. If any thing could induce him to give a partial decision, it would be the excitement which prevailed in the House itself on the appointment of election committees. There was, also, this to guard against—how far the scruples which might induce an over-punctilious man to give a decision, contrary perhaps to his own impression of the case, for fear of incurring the imputation of having acted under the influence of party bias. His opinion was so strong against this preliminary step, and the stamp which it gave to all subsequent proceedings, that, in his opinion, nothing could remedy it. Supposing even the wish to be on all hands to guard

against any thing like an undue influence of party in the constitution of the committee, yet had it not frequently occurred, with perfect fairness in the mode of the selecting the committee, that it had been composed of ten members of one party, and only one of another? In two or three instances, which he at the present moment remembered, that had been the case. Another error, to which the present system was subject, was, in his opinion, the predilection of the parties themselves to exclude from the committee those very men whose opinion on such a subject was likely to have most weight. A party to a contested election, having full confidence in the abilities of a very clever counsel, whose services he had retained, preferred rather to have it in his hands to address a committee composed of gentlemen who knew little or nothing about the matter, than to submit his case to a committee of experienced men whose opinions were known to have weight and authority. These were a few of the objections to which the present system was liable; and in coming, in the next place, to consider what could be done to remedy these defects, he must say, that, after all that had been proposed by others, he had very great hesitation in offering any suggestions on the subject. He was desirous, in the first place, of doing away with the practice of summoning members for the purpose of having their names drawn upon a committee, and he wished also to exclude, as far as possible, the influence of party, and to do away with the practice of excluding members whose authority should have most weight in matters of this kind. With these objects in view, he should propose, that after a general election, the first act of the House should be to determine who were liable to serve upon election committees. Some extent of service should be prescribed, also, which should entitle a member to exemption from subsequent committees; for he did not think, for instance, that a man's having served upon a committee on a petition, which went off in half an hour, on a point of form, should entitle him to exemption. Whether or not the members of government should be liable to serve, was a point which he should leave to themselves. He very much doubted, also, whether he should exclude those members from participation in election committees who happened to be themselves petitioned against. Indeed, he could not see any wise or reasonable principle upon which they could be excluded from this duty, whilst they were permitted to exercise every other right and power as members of that House. He thought, also, that this rule held out a great inducement to parties to petition against members, for the mere purpose of preventing them from sitting on election committees. He thought the House should facilitate *bona fide* petitions as much as possible, but that, at the same time, it should give no encouragement to frivolous petitions, which had no other object than that of crippling the public service of the member so petitioned against. It was still a matter of doubt with him whether this rule should be abandoned, but, at the same time, he threw out the point as one deserving of consideration. Having once determined who were liable to serve on election committees; they came now to the great difficulty of appointing an assessor, or judge, whose authority should guide and have weight with the committee. He saw a very great objection against calling repeatedly upon the Speaker, in matters of this kind. It was certainly of the utmost importance that the Speaker should hold the scales of justice between contending parties; but, at the same time, he thought it extremely desirable, that he should not be continually liable to be called on to settle disputed points between conflicting parties. All he (Sir R. Peel) would call upon the Speaker to do, would be one single act, which he was sure he would perform with the most perfect impartiality and integrity, and in a manner to give satisfaction to all parties. What he should call upon the Speaker to do, would be to nominate a committee, which he should call a general committee for elections, and which he should propose should consist of very few members, perhaps four or six, or some such limited number. The House and the country, he was sure, would cheerfully repose confidence in the perfect impartiality with which the Speaker would in all cases proceed to nominate the general committee. Perhaps it might be desirable to require the consent of the House to the committee, when nominated by the Speaker; or it might be deemed better and simpler to leave the matter finally in the hands of the Speaker. This, however, was a point upon which he (Sir R. Peel) was indifferent, though he thought it so easy to constitute a general committee of this kind with perfect fairness, that the matter might safely be left in the hands of the Speaker. The committee so appointed would be perfectly

impartially constituted; and to this committee, acting under the obligation of an oath, he would leave the duty of appointing the select committees which were to try all election petitions. Suppose, for instance, there were thirty election petitions pending, the general committee of four or six, would have to select thirty committees to try these petitions, either by selecting thirty election committees in the first place, and then appropriating them to the several petitions by ballot, or by selecting the committee individually to try each particular petition. He must say, however, for his own part, that he was so averse to every thing having the colour of chance about it, that he should much prefer the latter course, of appointing a distinct committee to try the merits of each particular petition. Suppose, for instance, there was a petition from Dublin. He would leave it to the general committee to appoint a committee to try the merits of the petition, with full confidence that they would select a competent and impartial committee for the purpose. In the next place, he should propose, that the election committees should be more limited in their numbers. He thought seven would be quite enough to form a committee, perhaps five might be too few; but he should have no objection to reduce the number to seven or nine. If it was thought that mistakes might still be made, and persons be nominated by the general committee, to whom some personal objection might reasonably apply, it might be desirable that the general committee should, in the first place, appoint eleven or thirteen names, giving the parties to the petition a limited right to strike. Suppose, for instance, seven were to be the constituent number of an election committee, it might still be a question whether the general committee would appoint those seven at once, or whether they should nominate eleven, giving the parties on either side a right to two strikes. In the next place, it was desirable, he thought, to give the committees the aid of assessors. In order to do this, they might either compose the committee of six members, with a legal assessor, who should be their chairman, with the voice and authority of a judge, and equal in every respect to any other member of the committee; or they might constitute the committee of seven members, and give them the assistance and aid of an assessor. There were one or two points, upon the respective merits or preferableness of which he would then give no opinion. One very great difficulty in the appointment of assessors would be this; that the call for their services would not be uniform or permanent. At the first meeting of parliament, after a general election, there would naturally be a comparatively large number of petitions, and the services of several assessors would, of course, be required; whilst, in subsequent years, there might only occur two or three contested elections. If a permanent staff of assessors, therefore, were to be kept up, the public would be burdened with the salaries of officers whose services were only required for one year out of every four or five. Upon this point, therefore, he should be inclined to copy the principle of an Irish act, and provide, that all persons who were willing to act in this capacity, should notify their willingness to the House, and that they should be selected from the list so formed, by the general committee, for the particular cases which occurred to require them. At the same time, he would have it understood by those parties, that whilst the House was willing to pay them liberally for their services whilst the occasion for them lasted, its connection with them ceased with the occasion, and that the House was at full liberty to choose where it pleased on all subsequent occasions. With regard to a court of appeal, to ratify or dissent from the decisions of the general body, he thought there were such objections to this tribunal, that it ought to be avoided unless it was found absolutely necessary, or unless the points in dispute were of too grave a nature to be left to the determination of a single judge. These were the general principles on which he supposed a tribunal might be constituted within the walls of parliament, free from the objections which applied to that which at present existed. He should have no attendance of members on the ballot. He should exclude the operation of chance. He should have a preliminary committee, fairly selected from those sitting in the House, who should have the benefit of a legal adviser, who might regulate their decisions, in a manner not only consonant with justice, but in such a way as to ensure satisfaction on the part of the House. He should also ensure on each committee the presence of a competent number of members experienced in the forms of the House, and who should not be disqualified on the ground of ability and experience. He did not conceive it necessary to trouble

the House with any further suggestions, in addition to those he had already stated, and which were exclusively his own. The bill of the hon. gentleman contained many of the objections which applied to the present system. It was defective as to the initiatory proceedings, which were left by it under all the influence of party excitement; because there would continue the same motives, the same manifest interest for each party to attend in as great numbers as possible. And, on the whole, unless he saw some chance of remedying the main defects of the present system, by some course fundamentally different, he could not see any advantage in a change merely providing for subordinate defects. All the main objections to the present system remained in force against that which was now submitted, besides others of minor importance, which peculiarly applied to it. With respect to the appointment of an assessor, he thought it of so much importance that adverse litigant parties should both choose a tribunal for the decision of their disputes, that he would invite them to an agreement on this point, and do all that could reasonably be done to effect that object. And when he knew how often parties coincided in the appointment of an assessor, he could not help thinking that when the services of men of eminence were secured, both by the honour of the station and the ample remuneration which attached to it, there would be no great difficulty in getting adverse parties to agree to an assessor. It was a sound principle of jurisprudence, generally acted on, that when litigating parties could do so, they ought to adopt friendly arbitration. These were the suggestions which he thought it right to offer, after having given the subject the best consideration which he could, and which, at any rate, were not founded in any lurking desire to secure advantage to party. "I do feel," said the right hon. baronet, "that the interest and honour of the House are concerned in the amendment of this system. I do believe, that the interests of justice are involved in its amelioration, and I am satisfied that this House, which professes to be governed by principles of honour and integrity, must necessarily entertain the strongest desire that any tribunal appointed to decide controverted elections, shall, as far as possible, partake of that integrity, and honour, and be free from the imputation of partiality."

Bill to be committed on the 11th of May.

### LORD DURHAM'S MISSION.

APRIL 3, 1838.

The Marquis of Chandos proposed a motion to the following effect:—"That the expenditure, for one year, on the establishment of Lord Gosford, as Governor-general, amounted to £12,678; that such establishment was founded on a just and liberal scale, and is a proper precedent to be acted upon in the case of the establishment of the Earl of Durham."

SIR ROBERT PEEL said, he had heard such extraordinary comments made in the course of this debate, upon the motives of his noble friend, with whom this motion had originated, and upon the demand made in the House of Commons with respect to the public expenditure, that he felt it absolutely necessary to rise for the purpose of protesting against the precedent sought to be established. He thought, that the hon. gentlemen, who, with a very natural feeling, prompted by fraternal affection, had risen on that side of the House, could not imply, that the opposition had shown any disposition unfairly to question the appointment of Lord Durham. He did not consider that they were entitled to call in question the qualifications of the Earl of Durham for the office to which he had been appointed. Her Majesty had the unquestionable prerogative of selecting whom she should think proper to fill that office; and he should think it inconsistent with the respect which he owed to the Crown, and the privileges which the Crown exercised, if he made the particular qualifications of the noble earl the subject of discussion in the House of Commons. He must say, that he had not heard, in the course of the debate upon the Canadian affairs, any expression which Lord Durham had a fair right to complain of. He did believe, that never had any appointment been made, which, considering the excitement that prevailed with respect to party politics, had been treated with more perfect fairness by the opponents of her Majesty's ministers, than the appointment of Lord

Durham. He considered this question to be one entirely apart from the jurisdiction of the House of Commons; but, at the same time, he must contend for the absolute right of the House of Commons to bring forward propositions relative to the public expenditure. And he must say, that the noble lord (Lord John Russell) had not discharged his duty in a manner becoming a minister of the Crown, when, upon this question of expense being raised, the noble lord imputed it to unbecoming motives. What would have been said of the opposition, in the government, if the opposition had questioned the expenditure of any public office, if no satisfactory answer had been given to the question, but they had taunted their opponents with unfairness, or if, in questioning the expense of a public establishment or arrangement, they had imputed to the opposition that they had been influenced by motives of party hostility or mean malignity? Such conduct would have been justly characterised as little short of treason to the privileges of the House of Commons, and an insult to the understanding of its members. In professing his concurrence with the course pursued throughout the Canada discussion, he neither meant to raise any question as to the qualifications of Lord Durham, nor did he then question them in the slightest degree; but, consistently with that intention, he had a perfect right, and after the manner in which he had been challenged, he would exercise the right of inquiry, whether or not the establishment proposed for Lord Durham did not exceed the just bounds of economy? He did not, in this respect, find any fault with Lord Durham—the fault he found was with her Majesty's government. He must say, that the first letter written by Lord Glenelg to Lord Durham, the first letter that appeared in the papers, was a letter without precedent, as being addressed by a minister of the Crown to a public officer. The House would from thence see, that if the establishment proposed by Lord Durham had been ten times more extravagant than it was, the imputation would not have rested upon the department which left Lord Durham the exclusive judge of his own expenditure. He would ask, was it ever known, that a minister of the Crown addressed a letter of this kind to a public officer, about to proceed in the execution of his duty? Supposing it were desirable to prescribe beforehand the establishment, what authority ought there be to limit that establishment? Was it the individual himself, or was it the Treasury, after communication with that individual, and with the department to which he was responsible? [Lord John Russell: So it was.] The noble lord said, So it was. But look at the letter of Lord Glenelg. No previous arrangement having been made on the subject, it apparently never occurred to the government to determine what ought to be the proper outfit or establishment. But here was the letter of Lord Glenelg:—

“DOWNING-STREET, *March 24, 1838.*

“My Lord—I have the honour to inform you, that a desire has been expressed by a member of the House of Commons in his place, that a statement of your lordship's establishment, as Governor-general of the British North American provinces, and her Majesty's high commissioner for the adjustment of certain affairs in Canada, should be laid before the House. Lord John Russell, on the part of her Majesty's government, having assented to this request, I shall be obliged, if your lordship will furnish me with a statement of your establishment for this purpose.

“I have, &c.

(Signed)

“GLENELG.

“The Right Hon. the Earl of Durham, G. C. B., &c. &c.”

He would say, then, upon the terms of this letter, which was to be consulted for the purpose of ascertaining the meaning of the writer, that it appeared to him that never were terms made use of which could more clearly acknowledge Lord Durham as the judge of the establishment which ought to accompany him to Canada; and he was surprised that Lord Durham, with the natural desire of every man going on any eminent service, in the first place, that that service should be effectually performed, and next, that those who accompany him should be amply remunerated, did not seek for a still more extensive establishment: but the treasury of the country should be the judge to correct this natural feeling in its officer, and to curtail within proper limits the establishment with which he ought to be accompanied. The course pursued by her Majesty's government, he repeated, was entirely without precedent. He was bound to say of these estimates, admitting to the full extent the

natural desire on the part of the noble lord to ensure the efficiency of his mission, and admitting also, that true economy often consisted in a sound and judicious exercise of liberality, admitting the weight of all these considerations, he was bound to say, that he thought the noble lord's estimate of the expenses of his mission to be much larger than was necessary. First, there was a chief secretary, with a salary of £1,300 a year, then a military secretary, at £700 a year, and then, two under-secretaries; he did not mean to say 200 secretaries, though perhaps, in so saying, he might only be anticipating what was to follow; no, but there were two under-secretaries, at £300 a year each, and then, besides all these, were to be a private secretary, and a legal adviser. Now, looking at these appointments only, if his opinion was asked on the subject, he was bound to say, that he considered them exceedingly large; he thought them enormous in reference to the duties which were to be performed. With respect to the legal adviser, with the salary of £1,500 a year, the noble lord, the Secretary for the Home Department, said, that he was not in the slightest degree aware of who was intended to fill that situation. Now, that being the case, he was really sorry for the noble lord's ignorance on the subject. The noble lord was, in this instance, like the phoenix, a vast species alone, for he could venture to say, the noble lord was the only man in the House who did not know who the legal adviser of Lord Durham was to be. He would undertake, at least, to say, that there were many members, composing what was termed "her Majesty's opposition," who could confidentially inform the noble lord upon the subject, if called upon. [Name.] He certainly should not have considered himself entitled to name the individual to whom he referred, as the communication had been made to him privately, and it might possibly happen that he was mistaken. But of this he was quite sure, that in the communication which had been made to him, a trap had not been laid for the purpose of misleading him. And as the hon. and learned member for Liskeard was one of those who called upon him to name the intended legal adviser of Lord Durham, he would only say, that when the hon. and learned gentleman said to him, "I shall not be among you when the controverted election bill is discussed," that observation gave him distinctly to understand, that at the period in question the hon. and learned gentleman's face would be directed towards the western possessions of her Majesty. Now this was an inference, which, coupling the declarations of the hon. and learned gentleman himself, with the rumours which were previously in circulation on the subject, he thought a very remarkable one. [No!] Oh, then, the hon. and learned member went out gratuitously, and in that case there was another candidate for the office of legal adviser. He thought, that, when any one who knew the rumour previously in circulation, and then coupled with it the information which the hon. and learned gentleman volunteered to confide to him, that he should not be here when the controverted elections bill was discussed, he might very fairly infer, that nothing would induce the hon. and learned member to abandon this measure, but the hope of rendering valuable service to the public, by giving legal advice to the Governor-general of the Canadas. If he was mistaken in drawing this conclusion, he could only say, that he was extremely sorry for it; but that, at the same time, it was one into which he had fallen *bona fide*. However the case might be, he must say, that he thought these half-confidences were very inconvenient, or at least the hon. and learned member ought to have added a postscript, or warning note, to this effect:—"Mind, I am not going to be legal adviser to the Governor-general of the Canadas." He must say, that he was rejoiced to hear, that the hon. and learned gentleman was not to be the legal adviser of Lord Durham; not from any personal objection to the hon. and learned gentleman, or from any doubts as to his qualifications for such an office; but because he thought that, if these appointments were too freely given to members of parliament, it might amount to a virtual evasion of the statute of Anne, which rendered the appointment to a new office, inconsistent with a seat in that House. Now, as to the necessity for the office at all, he must say that, considering that the act which Lord Durham would have to administer was one of the very plainest and simplest description, he thought that the taking out a law adviser upon the subject, in addition to all the other secretaries, was quite unnecessary and uncalled for. Then, again, was the point of outfit, upon which he thought that the House of Commons ought to have some information. With respect to the motion of his noble friend, the question was simply this; that the establishment of Lord Gosford was a fair pre-

cedent to regulate that of Lord Durham. Now he put it to the House whether there was any thing unfair in this very simple proposition. The hon. member for Limerick, who considered that Lord Gosford's establishment was too large, thought also that that of Lord Durham ought not to exceed it. If that were the hon. member's view of the case, it would be impossible for him to oppose the present motion, for he who opposed the present motion, must either hold the proposition that this was a subject which was not within the legitimate cognizance of the House of Commons, or must be prepared to maintain that the resolution was niggardly and parsimonious in its allowance of expenditure. The hon. member for Kilkenny had taunted the hon. member who had succeeded him, for what had fallen from him on this occasion, but did the hon. member mean, succeeded him as member for the county of Middlesex, or in the advocacy of the doctrines of economy? For it so happened, that the hon. gentleman had not only ceased to represent the county of Middlesex, but also to uphold the right of the House of Commons to meddle in matters concerning the public economy, without exposing itself to the imputation of personal malignity, or disappointment, or other unworthy motives, to those who brought the subject forward. The hon. gentleman declared that this was the first occasion on which the advocacy of economy had proceeded from this (the opposition side of the House). Now, it was always a tedious and invidious task to enter upon comparisons between the economical arrangements of one government or another—but he would beg to state a few facts, illustrative of the feelings of government, when he (Sir R. Peel) and his friends were in office. [Mr. Hume: I did not allude to you.] Oh, the hon. member did not allude to him (Sir R. Peel). Perhaps, he only alluded to the younger members of that side. However, he was going to show that the attack of the hon. member against former governments, on the score of want of economy, was unfounded; and he should proceed to prove what he averred, by citing the practice of the government in a precisely analogous case, when he was at the head of the treasury. On that occasion he, in conjunction with his noble friend (Lord Aberdeen), advised his Majesty to send an individual out to the Canadas, to perform certain duties. The individual selected for this appointment was an individual of the first rank and station—Lord Amherst; a nobleman holding the rank of earl in this country, a nobleman of no obscure name or station, and one who had never filled any subordinate office, but had recently filled the office of Governor-general of India, with all the gorgeous and royal splendour which surrounded that appointment. In the next place, let them consider the duties which Lord Amherst would have to perform in Canada. His lordship was to be Governor-general of Canada, and also his Majesty's royal commissioner; so that, as far as titles went, the appointment was very analogous to that of Lord Durham. The duties which Lord Amherst would have to perform were thus described in a letter, dated April 2, 1835, from Lord Aberdeen to Lord Aylmer, notifying to the latter nobleman the appointment of Lord Amherst: "This individual, in the capacity of his Majesty's royal commissioner, will repair to Lower Canada, fully instructed to examine, and, if possible, to terminate, the various points of discussion, in the hope of composing all those differences which have so long agitated the province, and which have deeply afflicted his Majesty's loyal subjects. For this end, it will be the object of his Majesty, to renew an inquiry into every alleged grievance, to examine every cause of complaint, and to apply a remedy to every abuse that may still be found to prevail; for this end, there is no sacrifice he would not cheerfully make which should be compatible with the fundamental principles of the constitution itself, and with the continued existence of the province as a possession of the British Crown."

The right hon. baronet then proceeded to state the duties which were included in the commission of his noble friend, who expressed his belief, "that some comprehensive scheme of general education might be adopted." ["Oh, oh!"] Why, sir, (said the right hon. baronet,) the noble lord was allowed to dwell on the important duties of Lord Durham's mission: and surely it is a legitimate course for me to show what those were which appertained to Lord Amherst's office. Show that I am speaking of matters which are inapplicable: answer me, if you can, but do not suppose that you will succeed in doing so by uttering unmeaning sounds. I am contending that my noble friend's duties were not exactly of equal amount to those of Lord Durham, but that they were, on the whole, most important, as he filled both

the offices of governor and high commissioner. I don't say, that the two offices were exactly of equal importance; I make every just abatement on that account; but still they were of an analogous nature; and Lord Amherst, a person of high rank, and who had filled the most important offices, was selected for the former situation. Now, what was the establishment of, and the expense proposed to be incurred by, Lord Amherst? And I ask the hon. gentleman, who has attacked the want of economy of a conservative government, to compare the establishments, making every just abatement for the difference of duties of the two noble persons, and then to answer me this question, Which of the two governments has given the greatest practical proof of economy? I admit to the noble lord, that he cannot extinguish the system of special missions. I acknowledge that it is exceedingly difficult to decide what expenses may be incurred in an extraordinary and temporary duty; and I say at once, that the mission of Lord Amherst was a special mission, and that equal objections apply on principle to Lord Gosford's office of chief commissioner on a special mission also. But the establishment of Lord Amherst, as governor and royal commissioner, in what did it consist? Mr. Elliott was the single person appointed by the government to accompany him. I believe, on Mr. Elliott's recommendation, a clerk was assigned him. There was also a private secretary. That was the whole extent of the establishment. Let those who are now at the treasury contradict me if I am wrong; but I believe that the total charge incurred for the outfit did not exceed £1,000, when the arrangements for that mission were completed, and that Lord Amherst was on the point of sailing. I may be wrong in my recollection, (but if I be, I am subject to correction,) and I don't believe, that the total charge incurred by the preparation of Lord Amherst for the voyage, with an outfit, exceeded the sum of £1,000. Now, when I look at the expenses preparatory to Lord Amherst's departure to fill a situation of rank, and when I remember the duties which devolved on him, I ask the hon. gentleman (Mr. Hume) whether he is warranted in saying, that a conservative government never gave any practical proof of economy? I will allow you to make every increase on account of the difference of duties, and yet I will still maintain this position, that the establishment proposed for Lord Durham does far exceed, does exceed in a fourfold degree—that establishment, for duties which were nearly analogous, provided for Lord Amherst. Sir, I protest, therefore, against the doctrine which has been maintained, that because we (the opposition) question the expense of public establishments, you have therefore a right to answer us by saying, that our considerations are not those of public economy, but spring from hostility to the individual, or disappointment that members at this side of the House are not favoured by being selected for those appointments. That charge, I say, is unfounded; but this charge I prefer against you, who have been the constant advocates of economy, that when an individual, participating in your political sentiments, is appointed to a public situation, you then show a tendency to forget the principles which you have professed; and that your political accordance with the man, obliterates your recollection of the principles which you maintained against governments to which you were opposed. And then it is, that you call the questions which we originate, paltry questions, not deserving consideration; and then it is, that you reconcile yourselves to an establishment, when connected with the services of your own friend, which, had the position of political parties been reversed, he who sanctioned, he who advised, your proceeding, would be the first in high-sounding terms to denounce, as aggravating the feelings of the country suffering under distress, and as evidence of a wanton and profligate disposition on the part of government. With what triumph would you have referred to the avowal that your finances were in such a state that you could not part with a third of the soap-tax? How you, or some of you, would have dwelt on what I have before heard stated, that a great number of the hand-loom weavers might have subsistence provided for them by the sum allowed to the extravagant establishment which was proposed to be confirmed and sanctioned! But now, because that establishment is proposed for one in whose political sentiments you concur, you (the class of which the hon. member for Kilkenny is the representative and warmest advocate) forget the principle which you formerly avowed, and try in every manner to throw ridicule and contumely on those who act in a temperate and moderate manner, in accordance with your practice; and you, through your leader, the



hon. member for Kilkenny, justly give rise to the imputation, not only that you have been succeeded by others in your seats, but that you are also succeeded by others in your advocacy of the principles of retrenchment and economy.

The motion was negatived.

## CONTROVERTED ELECTIONS.

MAY 10, 1838.

SIR ROBERT PEEL rose for the purpose of fulfilling an assurance he had given to the House some weeks before, to move for leave to bring in a bill to amend the existing jurisdiction of parliament in respect to controverted elections. He begged to be understood, as not proceeding upon the present occasion, on the assumption that the House had resolved to maintain within its own power the right of trying election petitions, but rather, on the assumption that complaints having been made of the present system, as being defective and inadequate to the attainment of justice, it had determined to listen to, and consider any proposal which should be made, having for its object the perfecting of that existing system, by the removal of its alleged defects. He thought the general wish would be, that every experiment to perfect the present system should be tried, and proved unsatisfactory, before they consented to part with the power which for centuries past they had enjoyed—that of deciding who were to be the members of that House. He must confess, that, in approaching this subject, which he did with much diffidence, he was, for general reasons, very adverse to any such change as that suggested, without its absolute necessity being first fully and entirely established. In the first place, he thought such a course objectionable on the general ground, that it was inexpedient to alter what for many years had been the law, and in the next place, he felt the difficulty of devising any tribunal to replace the existing one, which, acting without the control of that House, was likely to be a satisfactory substitute for it. He confessed he could not divine the nature of the new tribunal. Should it be a single judge, deciding without the intervention of a jury, or should it be a judge acting in concert with a jury? Should the tribunal be independent of that House, or not? In his opinion, to make a judge independent, and to give him a summary jurisdiction in cases of elections, without any power of appeal, would be to constitute another estate within the country, to exercise powers of the utmost importance. It would be giving to a single individual a most enormous degree of power, and one which in all probability would be attended with highly injurious consequences. He was now supposing the case of an independent judge; but supposing it was decided to give the trial of controverted elections to a judge who should not be independent, on whom, or on what body, should he be made dependent? If he were to be made dependent on the judgment of the House of Commons, there would arise all the objections which now applied to the existing committees. It was indeed manifest, that if the members of the House of Commons were to be declared incompetent to act as a jury for the trial of election petitions, they must be quite as much so, to discharge the duties of a court of appeal from the decisions of any tribunal which might be appealed from. But, then, supposing there was to be the intervention of a jury, how would that alter the case? How could they exempt that jury from that very political influence and party views, which they alleged rendered members of the House of Commons incompetent to decide in election petition cases? Would summoning the jury from another and distant part of the kingdom from that in which the election disputes arose, meet the difficulty? That might be a very good plan to obviate the influence of local prejudices, but not the influence of strong party feeling. Suppose they were to bring a jury from Devonshire to try a controverted election in Kent, was it not just as likely that they would be as imbued with political and party bias as the tribunals which were now complained of? He confessed he should feel the greatest objection to see the House of Commons declaring itself disqualified from exercising that power, which every other popular assembly in every free state in the world, following their example, did exercise, and exercised without complaint. To part with power was not in itself free from objection; but for that House to part with power on the simple

allegation of unfitness, from either incapacity or the want of impartiality or integrity to discharge the ordinary duties of a tribunal, tended so materially to diminish their moral influence, that in their case it would be doubly objectionable, unless on a clear case of necessity being established, to abandon any of their existing privileges. He did not mean to say, that, if it were proved justice could not be done short of such a measure, he should object to it; but until convinced that such was the fact, until convinced that, while the power of trying controverted elections remained with the House, it was impossible that the ends of justice could be accomplished, he maintained it was their bounden duty to stand by their privileges, and while taking every means to establish a proper tribunal within their own control, to declare their determination to hold and maintain that control in the same manner that for years past they had exercised it. The power of the House of Commons, like most others, was founded on popular opinion, and if they were to present themselves to the public with a declaration that they had become unfitted for the exercise of the power which for years past had been exercised by parliament, it was obvious that public opinion must, more or less, abandon them, and with it take no small portion of the influence they at present enjoyed through its means. It had been argued by the hon. and learned member for Dublin, and others who had adopted his views, that the complaint of the public being levelled generally against tribunals consisting of members of parliament, it was not probable that any tribunal composed of the same materials as the present, although under a different system, could be satisfactory. But he was not prepared, even founding this conclusion upon general reasons, to admit that that was a necessary conclusion. He could believe, that the same materials might be combined under a different form and in a different manner, so as to produce very different results. He could conceive some men, who had once been partisans in particular questions, afterwards becoming impartial judges, if they were removed from that influence which had biassed them. He could come to this conclusion from general reasoning, but, happily, he was not driven to general reasoning to refute the hon. and learned member's argument, for the high and important authority of actual evidence could be brought, to prove the very conclusions which general reasoning so strongly sanctioned. There had been instances where complaints had not been found against the tribunal, but against the system under which justice was administered, and which complaints were afterwards removed when the same parties were chosen as judges under a different system. Let them look to the conduct of the House of Commons on the subject of election petitions, previous to the passing of the Grenville Act. Nothing could have been more unjustifiable than their decisions in cases of controverted elections, previously to that time; they frequently decided without hearing the evidence; and frequently on private evidence, which had been canvassed outside the House; and frequently, and most notoriously, from party feelings and opinions. A change had been made in the constitution of the tribunal, but the materials remained the same. Members of parliament were still called to decide on election petitions, but in a different form, and all complaints immediately ceased. For several years after the House had formed a different tribunal, complete satisfaction was given. But first, perhaps, the House would permit him to read the character given by the author of this act himself—he meant Mr. Grenville—of the administration of justice on these questions, previous to the passing of that measure. When Mr. Grenville's Act was passed, in the year 1770, that gentleman thus stated the objections which existed to the administration of justice on controverted elections by the House of Commons as a body:—"How often, for instance, Sir, while the merits of a contested election have been trying within these walls, have the benches been almost empty during the whole examination; but the moment the question approached, how have you seen the members crowd eagerly to their seats, and then confidently pronounce upon a subject, on which they have not heard a syllable, but in private from the parties themselves! This is not all, Sir; we have frequently seen trials of strength upon some previous question, between the friends of the sitting member and the friends of the petitioner."

At that time they had found the evils of a previous trial of strength and of party power before the cause to be determined really came on. "And we have also frequently," Mr. Grenville added, "I blush while I declare it, seen justice sacrificed to numbers, and oppression exalted on the shoulders of a giddy majority into the sacred

chair of legislation. This is a grievance of an alarming magnitude, and I propose to offer a means of redress, on a future day, to the consideration of this House."

Nothing could be more marked than the complaint thus made against the decisions of the House of Commons, previously to the Grenville Act, and in the discussions which followed Mr. Grenville's introduction of the measure. Language equally strong was lavishly applied in condemnation of the then tribunals. The House of Commons adopted Mr. Grenville's proposition, in the first instance, as an experiment; but after the lapse of about four years, so satisfactorily had it worked, that it was proposed to adopt it as a permanent measure. Lord North and Mr. Fox opposed the proposition, but, on a division, the motion for rendering it a permanent measure was carried by a large majority, one of its principal supporters being Mr. Dunning, no mean authority at that period on matters connected with the law of parliament. Dr. Johnson, too, who had spoken of the Grenville Act, said that—"The claim of a candidate and the right of electors are said scarcely to have been, even in appearance, referred to conscience; but to have been decided by party, by passion, by prejudice, or by frolic. Thus the nation was insulted with a mock election, and the parliament was filled with spurious representatives; one of the most important claims, that of a right to sit in the supreme council of the kingdom, was debated in jest, and no man could be confident of success from the justice of his cause. A disputed election is now tried with the same scrupulousness and solemnity as any other title."

But Dr. Johnson wrote this only about four or five years after the experiment had been made. Let the House, however, descend a little lower, and see what had been the success of the bill at the end of a period of twenty years: and in the first place it would be proper, in order to make the authority conclusive, to take the time when party feeling ran the highest, and when political bias decided the questions before parliament. The period he would select was the year 1784, immediately after the great struggle on the India bill, between Mr. Fox and Mr. Pitt. Mr. Fox at that time presented a petition to the House of Commons, complaining of the return made by the high-bailiff of Westminster, and praying that the validity of that return might be tried by a committee of the House of Commons, selected under the provisions of the Grenville Act. Upon that occasion Mr. Fox bore testimony to the good working of the act in the following terms. He said:—"That bill, Sir, originated in a belief, that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment, and too much animosity; capable of being biassed by weak and by wicked motives; liable to be governed by ministerial influences, by caprice, and by corruption. Mr. Grenville's Bill viewed this House as endowed with these capacities, and judging it, therefore, incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed a judicature as complete and ample, perhaps, as human skill can constitute."

Such was the doctrine of Mr. Fox, who at first opposed the Grenville Act, as to its operation twenty years after it had been passed. [An hon. member: not twenty, only ten.] Well, it might be only ten, or say, fourteen years afterwards; but this was the opinion of Mr. Fox, when political feeling ran the highest, that he should be tried by an impartial tribunal in an election committee. But he would revert to more recent times, and would adduce, for the purpose of fortifying his argument, that the same materials might be combined in a different form so as to produce a different result, the changes that had taken place in transacting private business in that House when the materials had remained the same. By the recommendation of the Speaker a great revolution had been effected in the system of committees on private bills, which had produced perfect satisfaction, and was free from complaint. Until recently, these committees were an useless ceremony, and worse than useless, for great injustice was done by the opportunity given for private canvass. The House of Commons, on the recommendation of the present Speaker, who had paid great attention to the subject, adopted a different system with respect to private bills. In pursuance of that system, a general committee, consisting of forty-two members, was appointed, to which committee every petition for a private bill was referred, to

examine whether or not the petitioners had complied with the standing orders of the House. They had the highest authority, that of the Speaker himself, as to the beneficial change which had been produced by this regulation. To prove this, he would read a part of the examination of the right hon. gentleman before the committee on private bills. "Sir J. Graham.—Have you observed a satisfactory change in the mode in which the business is transacted by the committee of forty-two on the petition for a bill, as contrasted with the former practice, when the members were taken from the adjacent counties?—There cannot be a question that the superiority is immense, and the satisfaction is in proportion. I made no secret that when that committee was appointed I had my ears open, and should be ready to hear any complaint, but I never have heard the slightest question made as to the propriety of their proceedings, and never a word against the impartiality of their judgment.

"When the allegations in a petition for a bill were disputed heretofore, was not there a canvass notoriously carried on among the members for the adjacent counties?—Certainly.

"Has that canvass continued under the new system?—I believe it has entirely ceased; I believe it to be as completely successful as any experiment can possibly be.

"The great change was the introduction of the principle of selection in lieu of the chance which before belonged to the system?—Yes, and one great change was, that the gentlemen who composed the committee of forty-two, felt that they were in a new situation, that they were to set an example of the course of conduct which was intended to be a precedent, as far as it could be, for the conduct of the House: that was the doctrine laid down at the time the committee was appointed.

"Your expectations have been fully answered by the change?—Entirely.

"Chairman.—Do not you think they have, from the very principle of their appointment, a feeling that they have a trust reposed in them?—I have no doubt of that; I took the liberty of stating it in the strongest terms at the time of their appointment, and they entirely acquiesced in it. I endeavoured to show that no one ought to go upon that committee who was not prepared to attend and perform the duty, and that no person ought to be upon it, who was not prepared to decide as judge or jurymen."

Now, he would ask the House, whether this evidence on the part of the Speaker, as to the beneficial effect of the regulation introduced respecting private bills, did not afford strong ground for believing that, by a change in the construction of the materials which existed in the House, means might be devised, reposing on the integrity of hon. members themselves, of avoiding the effect of party feeling, and of producing, with reference to election committees, the same advantageous results which had been derived from the change which had taken place with reference to the committees on private bills? It appeared to him that there were three great objections to the present mode of deciding election petitions. In the first place, a practice had grown up tending to do away with many of the advantages which might otherwise attend the appointment of an election committee. He meant, that the matter was frequently brought before the House in some preliminary debate, upon some trivial point, respecting the recognizances, for instance; and the example was set to the committee by the House of Commons itself, of deciding the question upon party grounds. This, Mr. Grenville had pointed out as important to avoid, and had said, that it would lead to frequent party discussions between the friends of the petitioner and the friends of the sitting member. He thought it would be a great advantage if the House would abstain from these previous discussions; and that, from first to last, election petitions were left to the consideration of the committees to which they were referred. The committee which had been appointed to consider whether an amendment of the law in this respect could not be made, had traced the subject from the time when the recognizances were entered into, on an election petition, to the close, where a taxation of costs was made; and in its report they said, that they had examined agents and others who possessed information on the subject, and that they thought nothing more easy than to adopt some method which should render it unnecessary for the House to interfere in these preliminary matters. The question of the recognizances was one of the simplest things in the world, the solvency of the party being the only point to be ascertained. At present, this duty devolved on one of the clerks of the House of Commons and a master in chancery, but it frequently

happened, that the master in chancery had other duties to attend to elsewhere, which he considered paramount to those of the House of Commons, and that he could only allot a certain time, and at a certain hour of the day, when it would perhaps be most inconvenient for the other officers to attend. It might perhaps be immediately before four o'clock, and yet often in the same day there were fourteen or fifteen cases in which recognizances were to be considered, and then the time was insufficient. Would it not be better to appoint one individual, who should act under the authority of the Speaker, on whom these duties should devolve, who would consult the convenience of all parties, and who would have ample time for the consideration of these questions? The noble lord opposite (Lord J. Russell) had suggested the other day, in order to simplify the matter, as the testimony required was not as to character, but as to solvency, that the matter would be simplified by allowing the surety the option of entering into the recognizances, or of depositing the money. The petitioner was now obliged to enter into a recognizance of £1000 for himself, and to find two sureties in £500 each, or four of £250; but if any person preferred, instead of finding sureties to this amount, to deposit the sum in the hands of the Speaker, it appeared to him, that by this plan every obstruction would be removed, and that the guarantee now requisite for the costs would be just as well secured. But to make it equal to all parties, it was said the principle must be extended further. This plan might do for those petitioners who were rich, but would not do for such as were poor. He did not, however, see that objection; for rich men could always get sureties easier than poor men. Suppose a poor man found three sureties for £250 each, and he himself lodged the remaining £250, he could see no reason why it should not be permitted, as all they desired was, that a certain sum should be forthcoming, and every object which parliament wished to accomplish would be fully secured. It would then be easy to make an inquiry into the sufficiency of a surety without any appeal to the House of Commons. To guard against a defeat of justice, they might give to the parties authority to enter into the recognizances within a certain discretionary period, but, at the same time, the more strict they were in their rules, and the more determined to enforce them, the more effectually would they succeed in their object, and the better would the business be done. But if they were lax in their requisition, if they received applications, and decided without proper evidence, on the representations of solicitors and of the parties interested, the more lax would be the conduct of those to whom they delegated authority. The great defect of this part of the system was not incidental to the Grenville Act, but it was the entertaining, by the House, of preliminary questions; and he would propose that the House should give up all interference with such questions. Another great objection, as it appeared to him, was the entire confidence evinced by the House in the selection of committees by chance. It was sometimes said, that on the whole it turned out well; that if there was one committee in favour of the ministry, the next was in favour of the opposition, and thus they neutralized each other, and the balance was even; but, for his part, he could not conceive a greater libel on the administration of justice than such an assertion. It was no satisfaction to the country, or to the parties more immediately interested, to know that, upon the whole, the committees, as regarded their composition, were evenly balanced, and that the wrong done by one was adjusted by the wrong done by another. Such a system was not creditable to the House; and such statements must tend to lower its decisions in the eyes of the public. It was their bounden duty to do justice in every case, and to form a tribunal, so pure and honourable, as to inspire the firmest confidence in its decisions, and calculated to do justice to all parties, of whatsoever party in politics they might be. That object could not be attained by a system where chance decided the composition of the tribunal. One of the greatest objections to the present system, by which election committees were appointed, was the right to challenge, which was invidious, and tended to wound the feelings of honourable men. It was a bad commencement of a judicial investigation. Another objection to the challenge was, that by its operation all the professional experience, and all the parliamentary experience of the House, was excluded from election committees. He did not mean to say, that all professional men, and all those who had a long experience of parliamentary business, were absolutely and necessarily excluded, but undoubtedly the tendency of the system,

from whatever cause, was to exclude from election committees those who were best qualified to perform the duties which devolved on them. Such certainly was the tendency of the present system. He should like to take the present session, and examine how many professional men, and men of long parliamentary experience, had been appointed to serve on election committees, and to compare their number with that of non-professional members who had been chosen for the trial of disputed elections. He thought that the House would be surprised at the smallness of the number of professional men, and of those who were otherwise the best qualified for the discharge of the duties imposed upon the members of those tribunals which had been chosen; and he was confident that they would be much struck with the number of members selected, who had, at the last election, been returned to that House for the first time. The number of members chosen by the ballot, under the present system, was thirty-three; and it was not unfrequently the case, when the reduced lists were given in, that not less than seven out of the eleven of those who were to try the merits of disputed elections, were young members, who, before the present session, had never been in parliament. He had the fullest confidence that those young members would discharge the duties devolved upon them with equal integrity and honour as the oldest members of the House; but it certainly was rather hard to impose upon them the performance of a difficult and invidious duty, and, at the same time, deprive them of the assistance and co operation of professional men, and men of long parliamentary experience. Unjust as such conduct was, yet, somehow or other, the tendency of the present system was to produce such results, to exclude experience and professional knowledge, and to place on the tribunals, for the trial of controverted elections, those who, from want of experience, were much less qualified to decide on difficult and complicated questions of election law. Such were some of the evils resulting from the system of chance. Another point to which he would advert, related to the oaths which at present were imposed on members of election committees. He was perfectly persuaded that there was no member of that House who would regard lightly the oaths which he had sworn; yet, from the manner in which those oaths were taken, and when members felt that they were chosen by chance, there might be a disposition to take a different view of questions from that which they would take if they were openly appointed, and the fullest confidence reposed in their integrity and honour. To guard against that danger, and to remedy those evils to which he had alluded, he proposed to adopt a diametrically opposite principle from that which was at present acted upon. In the first place, he proposed that all the proceedings in regard to recognizances should be intrusted to the hands of a single officer, and invited the House to part with so much of its jurisdiction as related to recognizances. He had, on a former occasion, drawn the attention of the House to the present mode of proceeding in regard to recognizances, and a committee had in consequence been appointed; and when the report of that committee was laid upon the table of the House, it would be found, and on the most satisfactory evidence, that the recommendations of that report were in perfect accordance with the proposal he had made. He was also of opinion, that the same officer should be intrusted with the taxation of costs. The duties of such an officer would be simple and easily performed, whereas, under the present system, there was much complaint and dissatisfaction; but if the whole proceedings in regard to costs were intrusted to one responsible individual, all ground for those complaints would be removed, and much delay and expense would be saved. Under the present system, as he had stated, the House lost, in a great measure, the professional experience of those hon. gentlemen who were members of that House, and who were also members of the legal profession. There was great unwillingness on the part of those hon. and learned gentlemen to serve on election committees. No doubt they had other duties to discharge, yet still he thought the House had a fair claim upon their services. The fact, however, was, that they were reluctant to serve on election committees, and availed themselves of the right of challenge which the present system allowed, or, by pairing off, eluded being chosen. Those committees were, in consequence, generally deprived of those eminent counsel which the House contained. Now, this was not altogether fair; and he thought that when those hon. and learned gentlemen came into parliament, the House and the public had a right to call upon them to bear an equal share of the burdens. Instead,

therefore, of continuing a system that excluded those learned gentleman from serving on election tribunals, he thought it was their imperative duty to adopt such a plan as would secure for the trial of controverted elections a fair proportion of the legal knowledge of the House. He would next proceed to that part of his plan by which he hoped to obviate these evils. In the first place, then, he proposed to substitute discretion and confidence in the place of chance. His bill was prepared and printed, and he should not, therefore, go into the whole of its details at that time, as the House would, at no distant period, have an opportunity of fully discussing every portion of his measure. The bill would be laid upon the table as soon as possible, and he only waited for the report of the committee, to which he had previously alluded, to place it before the House. At present, he asked for no division, nor for any pledge; and he would not provoke a discussion at that time, but simply give an outline of the plan he proposed for their adoption. He might mention, also, that he had adopted the suggestion of the noble lord opposite, and that the measure he intended to bring forward was only of a temporary nature, and it would be so framed that, should any well-founded complaint be made against its operation, the consideration of the whole question should again necessarily come before parliament. The provisions of the bill were simply these:—In the first place, he proposed that the Speaker should be empowered to appoint a certain limited number of members of the House for the management of all election proceedings, the number so elected to form a general committee on election petitions. A question might arise in regard to this part of his plan—namely, whether they ought to make the power delegated to the Speaker absolute, and the list of members selected by him not liable to be questioned by the House. If the power of the Speaker in the selection of the members of the general committee was not made absolute, then they might require that a list of the members chosen should be laid on the table of the House; but in that case he proposed, that if no objection should be made to the list within a limited time, it should, at the termination of such a period as might be determined on, be held to be valid. Perhaps the latter plan would be the one most approved of; and as he was unwilling that the House should part unnecessarily with any portion of its jurisdiction, he thought it would be most advisable to require that a list of the members chosen by the Speaker should be laid on the table of the House. He presumed that that committee would be chosen with perfect fairness and impartiality; and, upon the general committee so chosen, he proposed that they should devolve the appointment of committees for the trial of all controverted elections. He also proposed—and he spoke now of the general committee—that all the proceedings of that committee should be recorded, and that a short report should, at regular periods, be communicated to the House, in order that they might have the check of publicity—a check, of all others the most valuable, as regarded the actions of public men. He ought previously to have stated, that he proposed that at the commencement of every session the House should be called over, for the purpose of ascertaining who were and who were not liable to serve on election committees. He would exclude no one, whatever might be his situation. He did not propose to exclude the ministers of the Crown, as he thought such a proceeding would be unfair and unjust. If, however, their public duties prevented them from acting, without inconvenience to the service of the country, then he proposed that they should be excused. He also proposed that those hon. members who were advanced beyond sixty years of age should not be required to serve. There were other cases, in which temporary causes of disqualification would operate, such as being petitioned against, or having voted at an election. Of course, he did not propose to enforce the services of those whose affairs absolutely required their absence from the House. Such persons, on satisfactory reasons being stated, he proposed to exempt from serving on election committees. When once the general committee had been appointed, he proposed to invest them with the most ample powers to call on members of the House to serve on the committees for the trial of disputed elections; and he proposed that those committees, to be nominated by the general committee, should be composed of seven members. He further proposed, that the election should be made by the general committee at the shortest possible period before the trial of any disputed election was to take place. By such means they would get rid of party excitement, and the members who were to try the merits of

any election would come to the discharge of their duties with less chance of their minds being biassed towards either party. He discountenanced all strikes, but he reserved the right of challenge in certain cases. For instance, if a member was petitioned against, there would be a right to challenge, and the House would have the power to prevent him from sitting on an election committee. There were also two other specific cases, in regard to which the right of challenge would exist. The first was the case of any hon. member having voted at an election. If any hon. member voted at an election, and was nominated a member of any election committee, then the right of challenge would remain in force. The other case was that of relationship within a certain degree. He proposed, however, entirely to abolish the strike. In the next place, he proposed to give publicity, as far as possible, to the proceedings of the committees, and in order to accomplish that object, he proposed that the whole of the proceedings should be taken down in writing, and that the names of the members, as often as the committee divided, should be placed upon record, so as to show how each individual voted. He proposed, also, that the whole proceedings of the committees should be laid upon the table of the House. He was aware that those proceedings often extended to an inconvenient length, and that it might be impossible to lay the whole before the public. But there could be no difficulty in stating fully every question on which a vote might be taken; and he thought it essential that those questions, and the names of the members of the committee voting in every division, should be laid upon the table of the House. Such was an outline of the plan he proposed for their adoption; and, having explained the general objects of the measure, he thought it would be better not to allow himself to be betrayed at that time into a discussion of its details. A more convenient period would offer for that purpose, when hon. members would be more prepared for entering upon the consideration of the details. There was one point to which he had not yet alluded. An assessor to election committees had been proposed; but he felt so confident that there were materials for the proper and equitable settlement of disputed elections within the House, that he felt the greatest reluctance to the appointment of an assessor; and the appointment of assessors, therefore, was no part of his plan. He had now stated the grounds of his objections to the present system, and the remedy he proposed for the evils which existed in the present election tribunals; and whether his plan might, or might not, receive the sanction of the House, was to him a matter of comparative indifference. He was willing to give up his own measure, if a better should be brought forward. This was not a party question; and he was sure that every member of the House was equally anxious with himself to remove those evils in their election tribunals which had been so much complained of. If the House would divest itself of its power to the extent he had proposed—if they would put an end to the operation of chance, and trust to discretion and confidence instead—then, indeed, they would invest the members of election committees with a judicial character, and they would find that they would bring to the discharge of their duties, impartiality and integrity. If they adopted such a plan, and succeeded in their designs, they would rescue the House of Commons from the degrading stain which would be cast upon it, if they were to tell to England and to the world that there was not within its walls materials wherewith to compose a fair, an honest, and impartial tribunal. He believed that there was abundant materials for such tribunals within those walls; and, if they adopted such a plan as he had recommended, they would elevate the character of members, and increase the confidence of the country in their decisions. If they adopted such a plan, he had no doubt that the members chosen would divest themselves of party feelings; and when they found that implicit confidence was placed in their integrity and honour, that they would make the discharge of their judicial functions superior to every other consideration. The right hon. baronet, amidst loud cheers, concluded, by moving for leave to bring in a bill to amend the laws relating to the trial of controverted elections.

Leave given.



## TITHES (IRELAND).

MAY, 15, 1838.

On the motion of Lord John Russell, the order of the day was read for the House to resolve itself into a Committee of the whole House, to take into consideration the resolutions respecting Irish Tithes. The noble lord then moved that the Speaker do now leave the Chair.

Sir T. Acland moved that the resolutions of the 7th and 8th of April, relative to Tithes, be rescinded.

SIR ROBERT PEEL said, if the hon. and learned gentleman (Mr. O'Connell) has exceeded the limits which he prescribed for himself at the commencement of his speech, I am the last man that should be disposed to regret the superfluity, because, if I wanted a speech to justify the course of my hon. friend—if I wanted a speech to show that it is desirable we should know the principle on which her Majesty's government mean to proceed—it would be the speech which we have heard from the hon. and learned gentleman. The hon. and learned gentleman says, that we propose to rescind a certain resolution which he read. The effect of that resolution was, to appropriate a certain surplus of the Irish church property to the education of all classes of her Majesty's subjects, without reference to their religious denomination. The hon. and learned gentleman says, that because we propose to rescind that resolution, we must intend to govern Ireland through the medium of hardships and coercion. Then I ask the hon. and learned gentleman, what does he think of those who practically abandon the resolution? If it be so great a crime to explain to the people of Ireland and to the people of England what are your real intentions—if it be so great a crime to ask you to efface from the records of parliament the principle which would apply a surplus of church property to education not connected with the Protestant faith—let me ask the hon. and learned gentleman, how he justifies it to himself to give his assent to resolutions which we are told do not involve the principle? Does the hon. and learned gentleman maintain that those resolutions do involve the principle? Do they involve the principle or do they not? This is a final settlement—this, we are told, is to be a satisfactory settlement. Then, I ask, do the resolutions to which we are asked to assent, involve the principle of the resolutions of 1835, or not? If not, how does the hon. and learned gentleman reconcile it to himself to give them his support? If they do, how does he reconcile his construction of them with the construction put on them by the noble lord, the Secretary of Ireland, and, as it appears, also by the noble lord, the Secretary of State for the Home Department. In the latter case, which authority are we to believe? And if a doubt exist between the government and the hon. and learned gentleman, who on this subject has such immense influence and authority—if we show this, do we not furnish a conclusive reason why we should have all vagueness and ambiguity cleared up, that we may come to a perfect understanding of the principle on which we are proceeding? I would ask, further, can hon. gentlemen be surprised at the anxiety and doubt that pervade the Protestant minds in Ireland, when they receive the declarations that are made? The hon. gentleman says, he gives his assent to the resolutions on this ground. He thinks, then, following up his own principles, that you ought to have the religion of the majority established in Ireland. As you have the religion of the majority in England established, and as you have the religion of the majority in Scotland established, so, says the hon. gentleman, according to his principles, you ought to have in Ireland the religion of the majority established. And it is worthy of observation, that while the hon. gentleman professes peace, and intimates that, after refusing the payment of tithes for five years, he is now setting a different example—while he refers us to the precepts of Christianity, and professes every thing that is mild and conciliatory—he always reminds us, as he has done this night, that the Scotch took to the hill-side with their broad-swords—and that in Scotland the religion is that of the majority. "But," says the hon. gentleman, "though I consider this doctrine sound and conclusive, yet I will not push it to its practical results;"—and this is the security we have. "I don't ask you," says the hon. and learned member, "to establish the religion of the majority in Ireland, because we utterly repudiate any connection with the State. We are so

satisfied, that a participation in any portion of the church property would so desecrate our faith as to deprive it of its influence, that we cannot consent, under the circumstances, to receive a portion of that property, and we, therefore, choose not to push to their legitimate conclusions our arguments with regard to the principles." The hon. gentleman is looking with some anxiety for the quotation which he sees I am about to make. I am not surprised at it when I see what security there is in the abstinence of the Irish people. I have said he rests his own forbearance on the ground that he repudiates any participation in church property; but it was to him that the people of Ireland gave this assurance, as a condition of the establishment of tranquillity in that country. "Would you tranquillize Ireland, follow up this plan." Now, what plan? Of course you would suppose a plan in utter repudiation of any connection with our participation in church property. Quite the reverse. "Follow up this plan; give the glebes, to the value of £300 per annum, as the pay of the clergy of the great and overwhelming majority of the people of that country." Gentlemen of property and influence may refuse to pay tithes for five years; but there is one species of property that is staple, that is exempt from spoliation, that a refusal to pay tithes cannot effect, viz., the glebes in the possession of the church. Leave the church nominally in possession of the tithes which may be withheld by conspiracy and the advice of subtle men; but if you wish to establish tranquillity, follow up this plan:—leave the tithes with the Protestant Church, but take the glebes for the Catholic. The hon. gentleman appealed to the Act of Union; he says, he holds by the Act of Union, and wishes to give that national compact a fair trial. He concludes that the Act of Union establishes the equality of civil rights—good. Does it nothing more? Was it not one condition of the Act of Union that the Protestant Church in Ireland should be maintained unimpaired? And was not that a fundamental condition? I ask, then, is it fair of the hon. gentleman to declare his adherence to that part of the Act of Union which favours his views, but to deny its validity in matters with which his views do not accord? In order to form a correct judgment of the nature of the proposition made by my hon. friend, and of the justice of those accusations which have been preferred against him and others by the noble lord, it is necessary for me to take a short review of what has taken place with respect to this question. There are many hon. gentlemen from whose minds the facts may have been obliterated by the public events that have since transpired, and there are also many who, not having been in the last parliament, may not have watched the progress of the question so as to be thoroughly acquainted with it. I consider it necessary, therefore, that I should preface my answer to the noble lord by shortly reverting to what has transpired on this subject. I came into office at the latter end of the year 1834, and I was at that time sincerely desirous of effecting a settlement of this tithe question. Such was my anxiety, that I exposed myself to a charge of plagiarism by adopting the principles of the former government. The charge was, that I had taken up the bill brought in by his Majesty's preceding government. I, however, brought in that measure which proposed a deduction from the incomes of the clergy to the amount of twenty-five per cent., and the reduction of the tithe composition to a rent charge. We professed a desire to correct any abuse in the Protestant Church, to reduce those incomes that were excessive, and to require duties from those who did not perform any. Was I allowed to proceed with that measure, the principle and details of which were taken from the bill of the hon. gentleman opposite? No; I was met by a preliminary objection; I was told, that I should not proceed practically with the consideration of the measure, because it was necessary to pass a resolution embodying in it principles which were considered indispensable to the settlement of the tithe question. I told the noble lord that he would have the opportunity of his triumph over me equally by bringing in a practical measure, but I deprecated the introduction of a principle in a resolution which would have a tendency to bind parliament hereafter. I said, "Bring in your own measure, adopt your own principle, if it is a good one, and capable of practical development, and if your reasons prevail, your success shall be equally decisive of my fate." Not content with that, however, the principle was pressed, which declared, that if there were a surplus, it should be applied to purposes of education; and this was superadded, that at no time could any settlement be satisfactory which did not embody that principle. Such a resolution was perfectly unnecessary. I foretold the consequences

of its adoption. I told you that your triumph, as public men, would be of short duration. I did not mean official triumph; it is possible for men to be in office and not to be triumphant. No man is, perhaps, better entitled to lay down that maxim than myself. I asked you to avoid establishing a principle which, for all time to come, must preclude a compromise. I begged you to avoid deciding, by a single vote, so great a question. I warned you against a course which appeared to have the effect, though it had not really, of passing by the House of Lords. You persevered, though you knew that the success of a practical measure must be equally decisive of my fate; you persevered, and you said, "We will lay down for the guidance of public men and future parliaments this principle, and they shall not approach the tithe question unless they adopt it." The hon. gentleman opposite succeeded. I said then, as I say now, that I never would be a party to that principle. I will not consent to the alienation of the church property from purposes strictly ecclesiastical, and, rather than do so, I took the course which every honourable man would take under similar circumstances—I relinquished office. The hon. gentleman opposite brought forward their own measure in 1835. When they did so, I moved an amendment. We moved that the bill be separated into two, for the purpose of manifesting our adherence, in opposition, to our own principle. We moved that the bill be separated into two, for the purpose of establishing a rent-charge in lieu of tithe composition, and effecting the necessary reforms in the church, being of opinion that the diverting any surplus to purposes of education would be properly the subject of a separate bill. How were we met when we made this proposition? And now I want to know who were the real parties who obstructed the settlement of this question. As I said before, when we attempted to bring this question to a satisfactory conclusion, by placing it on that footing upon which it could be brought under practical consideration, we were met by this resolution, upon which the compact alliance was formed. And upon this resolution we went out. And when we proposed the separation of the two measures, how were we met? Why, the right hon. gentleman, the Chancellor of the Exchequer, who is now taking notes—thus replied, and observed that we attempted to lay down no abstract principle of our own; we did not meet the proposition of the noble lord by the principle, that church property should stand devoted to spiritual purposes only; we merely said, let us have a separate bill. How were we met? The Chancellor of the Exchequer said—"The hon. baronet now called on the House to sever the two propositions, either for no purpose at all, or for the purpose of passing that portion of the bill relating to the concession of the million, and the settlement of the tithe question, and of throwing out the other portion of the measure relating to appropriation. If the right hon. gentleman wished the House to retrace its steps, would it not, then, have been much more decent if the right hon. gentleman had come down and asked them to rescind the resolution they had sanctioned in so many forms?"

"The more straightforward course," added the right hon. gentleman, "would have been, for the House to have been called on to rescind its former resolution; and, if any hon. gentleman thinks he can vote for this resolution without rescinding the former vote, let him recollect the cheers with which the announcement was received; that it was intended to negative one part of this bill and to carry the other part.

"I am prepared to argue the case when we go into the committee, after having negatived this resolution; but I will not allow what was a parliamentary minority on a former occasion to convert itself into a majority, by a little sleight of hand and legerdemain dexterity, such as moving a resolution which is apparently one thing, though most unquestionably it means another."

Thus, when we propose the particular course that would have avoided the difficulty, we are told that we are not candid and straightforward. And when we now come with a proposition to rescind the resolution, when we adopt the very suggestion that was offered to us, we are told that we may be very candid and straightforward, but we are making you pass under a disgraceful and dishonourable yoke, and your flesh and blood revolt against it. Thus passed 1835. In 1836, the question was again brought forward. My noble friend (Lord Francis Egerton) asked for leave to bring in a bill, embodying your own principles, and, at the same time, asked the noble lord (Lord John Russell) to postpone his bill then before the House. "No," said the noble lord, "I will not postpone my measure." My noble friend

then moved his bill as an amendment, and again it was rejected. The noble lord's bill was sent to the House of Lords, that is, the bill passed by the noble lord in 1836. The House of Lords passed the bill, reducing the composition to a rent charge by twenty-five per cent., making reforms in the church, but not embodying the principle of appropriation. I asked the noble lord to take the amendments into consideration. The noble lord refused to take them into consideration, because they did not adopt the principle of the resolution; and the noble lord said, that if this House entered upon a consideration of the bill, as sent by the House of Lords, it would be a recantation of their former resolution, and thus this bill was also lost. The year 1836, therefore, passed, with an ineffectual attempt to bring this question to a settlement; 1837 came, and now I approach that part of the noble lord's speech, in which he made use of this language, that attempts had been made to deceive him by the declarations put forward by us, and that hereafter he would consider such declarations as nothing more than tricks and stratagems. I must beg leave to say, that, whilst I have been in opposition, I have refused to have any secret negotiation. I have held no communications, and this not from any personal disrespect towards those who differ from me, but because I think it naturally shakes the confidence of a party in those in whom they place confidence. Whatever has passed upon this, or upon any other occasion, has passed in the face of day, and in this House; and therefore, in the most peremptory terms, as peremptory as is consistent with the courtesy of parliamentary usage, I deny that the noble lord has been deceived. I will first refer to what passed at the close of the last session of parliament with respect to the Irish Tithe bill. That bill made no progress in this House, on account of circumstances for which government were not responsible,—the lamented death of his late Majesty. A debate arose upon the Municipal Corporation bill for Ireland. The question between us is this—has the noble lord ever had the slightest ground for believing that I had relaxed in my opposition to the principle of the resolution of 1835? Has any act or declaration of mine ever entitled the noble lord to believe, that I would be a party to any settlement of the Irish Tithe question, which should involve, directly or indirectly, the principle of appropriation? I peremptorily deny it. The noble lord made this declaration—"That no false delicacy, no false pride, or improper fear of reproach, would induce him obstinately to adhere to any thing that heretofore had passed." Do I taunt the noble lord with this declaration? Do I turn round and say, "You forced me out of office upon this question, and now you apologise, and recant your former declaration?" No: for my part, I declare, though that resolution of 1835 was fatal to my government, not a word of taunt should the noble lord have heard from me on this subject; and if the noble lord will now adopt that course, if he will consent to abandon the resolution, if the noble lord will proceed to the consideration of the question with a view to a final and satisfactory adjustment, that is the only way in which the question can now be satisfactorily settled. Do not let it remain suspended as at present. Do not let us aggravate the evil by discussions, without any specific object. Do not let us vote upon a resolution which, whether it be adopted or abandoned, will be the cause of engendering bitterness in Ireland. The noble lord and his colleagues know, that it is impossible to leave the question in its present state. This declaration I made last year upon the subject. This declaration I made in the same session in which my noble friend declared, that he was desirous to see those great questions which divided the House on Irish matters brought to a satisfactory settlement, and that he would participate in all measures that would have that effect; but that he never would consent to a settlement of Irish tithes upon the principle of the appropriation of church property to secular uses. This was what was said by my hon. friend, who, I suppose, is also included in the reproach of the noble lord—this was what he said at a later period, namely, on the 9th of June. And what course did we take upon the bill of last year? We supported the noble lord's bill on the second reading; and so little desirous were we of offering a mere factions opposition to the bill, that when Mr. Sharman Crawford opposed the bill on the second reading, my hon. friend and myself divided with government against that hon. member's motion. Although we thought that the bill contained a principle that was objectionable, what course did we take? We said, "There will be an opportunity in committee to oppose the objectionable parts; do not, therefore, let us refuse our assent to the second reading." We consented to the second reading of the bill, although there

were many, at least some, on the other side of the House, who opposed it. The hon. member for Southwark (Mr. Harvey) opposed it, on the ground that it did not go far enough, and that it did not give enough of church property; but we declined to co-operate with those who sought to obstruct the measure of government. What, then, was the language of my noble friend that was calculated to deceive, and which entitled the noble lord (Lord John Russell) to say, that he had been placed in a false position in consequence of tricks and stratagems? This was the language of my noble friend (Lord Stanley): "However anxious I may be to see this measure carried, as the basis and groundwork of a great national settlement of the important questions which agitate the public mind, I should not discharge my bounden duty if I did not frankly declare, that no consideration whatever, with reference to this or any other bill—no asserted probability of a settlement—no profession of acquiescence in its provisions, will ever induce me to give my consent to the taxation of the clergy for this unjust and illegal purpose." What was the principle of the bill of 1837? It laid a tax of ten per cent. upon the clergy, for the education of all classes of all religious denominations; and against that principle, which virtually contained the appropriation principle, I objected. But when was the language used, which had deceived the noble lord? Was it in the course of this session? I have this year professed my desire to see the question settled; but I said, without the abandonment of the appropriation principle no settlement could be satisfactory. I deeply regret the obstacles that have arisen in the way of the settlement of this question; I lament those divisions that exist in Ireland sincerely, and more so than if they existed in England, because in the former they are more dangerous; but this is a great question of principle, involving the permanent security of the Irish Church, and I repeat that I cannot consent to a settlement which shall devote any portion of church property to secular uses. What I now contend for is, that I never led the noble lord to believe that I would consent to a settlement upon any other condition. The noble lord intimated, that he had postponed the Irish Municipal bill till after the Irish Tithe bill, at a request of mine, and that by that means he had been placed in a more unfavourable position. I deny the fact. The noble lord gave a formal notice that he would ask a question of me, and he did ask that question late in March; but so little expectation had the noble lord that I would make a compromise on the subject of the Municipal Corporations bill, or any other bill, that the question put by him was simply this—namely, if I would let him know if my noble friend would make a motion, as he had done last year, whether he intended to divide the Municipal Corporation bill into two; and whether he intended to submit to the House a proposal for abolishing, but not reforming municipal corporations. The noble lord was so completely in ignorance of the course we meant to pursue on this or any other measure, except so far as he could collect from our public declarations. The proposal of delay, therefore, was not made from me, but it originated in an unusual question being put by the leader of a government to a member in opposition. After the noble lord's formal notice, I said that I could not give any explanation as to my future course; but I begged leave to ask a question of the noble lord respecting Irish tithes, and in asking that question I made use of this explanation. This was on the 27th of March last, before the recess. I made use of this explanation. I find entered on the journals of parliament these resolutions, and they may be considered as still remaining in force. [Question, question!] I did not seek this. The position in which I am placed is rather an unusual one. I am laying the foundation of an answer to the question of the noble lord, on the answer to which his own reply would mainly depend. I find these resolutions on the journals of the House—"That this House do resolve itself into a committee, in order to consider the present state of the church establishment in Ireland, with a view to apply any surplus of its revenues, not required for the spiritual care of its members, to the general education of all classes of her Majesty's subjects, without distinction of religious persuasion; and it is the opinion of this House that no measure on the subject of tithes can lead to a satisfactory and final adjustment, that does not embody the principles contained in the foregoing resolutions." These resolutions were voted by a former House of Commons, at the instance of the noble lord, now the leader of the present House, and coupling them with the Speech from the Throne, entitled himself, I think, after the lapse of four months, to put this question to the noble lord, "Whether it is his intention to bring for-

ward a measure on the subject of Irish Tithes, and whether that measure will involve the principles contained in these resolutions?" After the noble lord had given his answer, I stated: "There is a prospect, I trust, of coming to a settlement on the Irish Poor-law bill; I, for one, wish it may be possible to come to a settlement with respect to the Irish Corporations bill, and the bill relating to the Irish Church—but I feel myself bound to what I always have said on the question, that a security for the Irish Church must be an essential condition of any such settlement." I must say, then, coupling what I said in 1837, and the declaration made by me in 1835, that I am not chargeable with making declarations from trick or stratagem, and that I have not placed the noble lord, as a member of the government, in an unfavourable position on this question. What is the course which the noble lord has taken? What is the nature of his resolutions? I do not wish to reciprocate personal attacks upon the other side of the House; I will not bandy hard words with the noble lord. I do not think it answers any purpose. I heard the speech of the noble lord; I heard the temper of it with deep regret. It is in vain for the noble lord to say, that we will not concur in a satisfactory settlement of this question, when, at the same time, he is opposing insuperable obstacles to its settlement, by rousing every feeling of pride—by telling men like the Irish clergy, men who have been deprived of their tithe for the last four or five years, men who have submitted to poverty and oppression, and who now say they are ready to make further concessions for the sake of peace, provided you maintain the integrity of the establishment; by a minister of the Crown telling such men, after such privations and such sufferings, that they set a price upon the value of peace, while they offer to give up fifteen per cent. of their income for the purpose of insuring peace in Ireland,—by telling these men, who have in many cases abandoned their just right, who have been deprived of their tithes, who have lived upon funds doled out by charity—that they are insensible to the peace of Ireland—that their constant anxiety and deep interest for the establishment arise from mere mercenary motives—that they think more of their pockets than of the tranquillity and peace of the country—I say, Sir, making such charges against such men, places difficulties in the way of a settlement of this question, so vast, that any authority or counsel of mine—if authority I have—must fail to produce a satisfactory settlement.

"Of all the ills that harass the distress'd  
Sure, the most bitter, is a scornful jest."

Then the noble lord comes with this question, whether we are justified in moving to rescind these resolutions. I do not attempt to conceal, and if I did, I could not, that it is difficult for a government to consent to the formal rescinding of its own resolutions. I think, for the character and honour of public men of both sides, that the public should know what are the principles on which we proceed; and if I were to say that the rescinding of this resolution would not be a severe blow to the government, I should be guilty of hypocrisy. But it was open to the noble lord to have avoided this discussion. I say, on my own part, that if the noble lord held this session the language he held last session, if he had come forward and said, "We will attempt the settlement of this great question of Irish tithes, in which Irish conflicts arise—we will propose a measure, and a reasonable measure, with respect to Irish tithes, and we will ask you to consent to an Irish Corporation bill, founded on the principle of popular election;" and if the noble lord had said he would abandon the resolution of 1835, if the noble lord had said he would not shrink from the unpopularity of that course, if he had proposed a settlement on this footing, and said, that he would not guarantee that the arrangement should be final against future attacks, but that he would pledge himself to use the full weight and influence of government to make it final; and if the noble lord were to give up the principle of the resolution of 1835, I do not believe that the noble lord would find a great minority to insist upon the resolution. But what course does the noble lord take? Does he take the manly course of declaring that he will not retain the resolution of appropriation? Quite the reverse. The noble lord has taken a course with respect to his proposed Tithe bill, and the nature of his resolution, which is calculated to excite suspicion and alarm. The noble lord made no speech in laying his resolutions upon the table of the House, and permitted them to go to Ireland without any explanation of his objects and motives. And of

what nature are the resolutions? I read them over and over again, and I now doubt whether they contain the principle of appropriation or not. I am inclined to believe that they do contain the principle of appropriation. Am I singular in that opinion? What is the language of the noble lord's own supporters? What said the member for Wiltshire? He said, that he had read the resolutions over and over again, he devoted whole days to them, but it was not till last night that he discovered that they did not contain appropriation; and, he it observed, this was not till after the hon. member had heard the speech of the noble lord. The noble lord, the mover of the resolutions, yesterday made a speech of one hour and a half's duration, and yet he never told us whether the principle of appropriation was contained in them or not. He left us more bewildered at the conclusion of his speech than at the beginning. I never before knew an instance of a man, holding the situation of Secretary of State, and leader of the House of Commons, discuss a great question upon a motion which he meant to be the foundation of its settlement, and never to state what he meant. It was not till the end of the debate last night, that the noble lord, the Secretary for Ireland, told us, that he believed the appropriation principle was not included in the resolutions. What said the hon. member for Sheffield (Mr. Ward), than whom, on the wording of resolutions, no man in the House was a higher authority? He had been the mover of resolutions of his own, and was a good judge of what the resolutions were intended to be. With all the hon. member's experience of resolutions, what said he of the vagueness of these resolutions of the noble lord? He said, that on reading the resolutions, his first impression was, that they were vague and ambiguous, but on reading them again he said he thought he discovered in them the germ of appropriation. This was the construction the hon. gentleman put upon them. Those were his own phrases. What course does the noble lord ask us to pursue? I will not say, whether there is any stratagem or trick; I have no right to impute motives, but this I will say, that never was a proposal made so calculated, though perhaps not intended, to entrap us into difficulties, for he asks us to go into committee upon those resolutions, without first stating what is his proposition respecting appropriation. Let me ask, how any impartial man would look at this question? After all that has been said on the subject of Irish tithes—after making this a popular instrument by which you have heaved a former government from office—after all the division in the country upon the subject, for the honour and credit of both sides, it should now be distinctly understood whether the question of appropriation is, by those resolutions, affirmed or not. Now, what is the position in which we are now placed by the noble lord? We are invited in committee to express in the first place an opinion, "that the tithe composition in Ireland should be commuted into a rent charge, at the rate of seven-tenths of their amount." Now, what amendment could be proposed to the first resolution, but one purely of detail and of amount, as, for instance, to give seventy-five per cent. instead of seventy? But, after having exhausted all discussion in matters of detail on the first resolution, there was the sixth resolution hanging behind:—"That it is the opinion of this committee, that the rent-charges for ecclesiastical tithes should be appropriated by law to certain local charges now defrayed out of the consolidated fund, and to education, the surplus to form part of the consolidated fund." Now, I ask, supposing we had assented to this resolution, would not there have gone forth one universal impression throughout this country, and Ireland, that we had abandoned the principle of appropriation? Why, what was said upon the subject of these resolutions by the hon. and learned member for Dublin? What construction did that hon. and learned member put upon these resolutions? I think his words upon this subject of great importance; and he expressed these in a letter which he published soon after these resolutions were promulgated. The right hon. baronet read an extract from the letter in question to the following effect:—"Such was the plan of Lord John Russell. It held out the prospect of an immediate amelioration to the extent of thirty per cent., which, however, was scarcely adequate to what was required; another amelioration which it promised was, the appropriation of the surplus of these rent-charges to county burdens which had hitherto pressed on localities; and lastly, it speedily offered a direct appropriation of funds for education." The hon. and learned member's letter continued by stating, that "he certainly did not concur in all Lord John's arrangements, but that he thought it contained the germs of a future arrangement,

and a more perfect and final settlement." I say, Sir, that when the people of Ireland are told by such high authority as that of the hon. and learned member for Dublin, that these resolutions are chiefly to be esteemed because they provide a direct appropriation for the purposes of education, and because they are the germ of a future arrangement and more perfect and final settlement, they are warranted in drawing two conclusions—first, that the principal of appropriation is contemplated in these resolutions; and secondly, that even this arrangement is not to be a final settlement, but is only to be used as a stepping-stone to other arrangements. On these grounds, I consider it to be absolutely necessary to arrive at a satisfactory understanding upon this point before we proceed further in this question. Three courses were open to us, by which this understanding might have been attained: either the noble lord might have made a manly and frank avowal, that, finding it impossible to pass this measure, fettered with the principle of the resolutions of 1835, he was prepared to sacrifice the appropriation clause in order to arrive at a satisfactory adjustment of the question; or we might have brought forward an abstract resolution of our own, condemnatory of the principle of appropriation; but that was a course which appeared to us obnoxious to the objection urged against your own resolutions of 1835, that they were abstract resolutions, fettering the practical consideration of a particular subject; or lastly, the means were open to us which we have adopted, of asking the opinion of the House upon this question, and of showing our faithful adherence to the principles which we formerly defended, by moving the rescinding of those resolutions of 1835, as being calculated to obstruct the satisfactory settlement of this great practical question. To have put off this discussion would not in the least have forwarded the practical result at which we aim. We could not have discussed these resolutions in committee without giving rise to it; or, if your course had been by bill, the very preamble to the bill would have raised the question; and therefore, on the whole, it appeared to us most satisfactory, that, as a preliminary proceeding, we should elicit the opinion of the present parliament upon this great point at issue, and show that our opinion remains unchanged in reference to it. These are the grounds upon which I oppose these resolutions, being unable to lend my aid to the passing of a measure which shall tend to the alienation of church property. The grounds upon which I act, are not any dictates of false pride, which the noble lord speaks of; but because I conceive, that to alienate church property to secular purposes will inevitably shake the foundations of that establishment. The noble lord referred to the Act of Union, and said, that he was resolved to maintain the church establishment because it was guaranteed by the Act of Union. I, Sir, adopt the same principle. The noble lord says, that to disturb the church would cut a rent in the Act of Union. I agree with the noble lord, and I say, that if we adopt the principle of alienating the property of the church, we create that rent. The question, Sir, with me now, is this—is the Church of Ireland likely to enjoy more of staple freedom, under the existing state of the law, or by purchasing a short respite from persecution at a cost of some £50,000 or £60,000? And my opinion is, that unsatisfactory as is the present state of the affairs of the church, it is less to be deplored than it would be after purchasing a small portion of good-will, or rather a brief immunity from attack, on these terms. It is not the amount of the money that I speak of, but the principle which is involved with it. What have we to urge in favour of the maintenance of the church establishment at present? The national compact entered into at the time of the Union—the solemn guarantee given to the Protestants of Ireland, that the Protestant faith should be the established faith of that country, that their church should be the Established Church. All the details and statements which are now advanced against the propriety of this arrangement, are there fully considered—the relative numbers of the Protestants and Catholics of Ireland were taken into account by the statesmen of that period—the poverty of the Roman Catholic population, and their poor ability to supply the means of religious culture, were all appreciated; but still the principle was adopted and declared, that the church of the minority should be preserved. The legislature of that day was not blind to the anomaly of the arrangement, but, with full consideration of the objections to which it was liable, they determined as they did. There is another act connected with this subject—I mean the Act for the Relief of the Disabilities of the Roman Catholics. The noble lord was pleased to taunt me for the part I took in



the passing of this measure. I can only say, that I hear with perfect indifference any taunts which may be thrown out against me on that subject; for I feel that, if I had taken any other course than the one I took, for the purpose of gratifying any feelings of personal ambition or pride, I should have been so ashamed of my conduct, that I should have been inclined at once to retire from public life. I brought forward that measure on account of the state of the public mind of the people of England at that period, apprehending more danger from the fact of ranging the Protestants of this country in hostile feeling against those of Ireland, than could arise from the privileges to be conferred by that enactment. I entertained that opinion, I submitted it to the Crown; and was I, after having so done, to go out of office, and, for the sake of an appearance of public consistency, to offer a sham opposition to the very measure I had just recommended to the King, because I had always previously opposed it, and yet permit it to be carried? In my opinion, Sir, such conduct would have been dishonourable and dishonest to the fullest extent. In truth, it would have been much more convenient to me, at that period, to have gone out of office, and allowed the hon. gentlemen opposite to pass that bill; but having advised the King to sanction the measure; and the King having adopted my advice, I felt bound to sacrifice all personal considerations of every kind, and to assist in passing it. Some may say, that I should have come to this decision earlier than I did; but no one can say, that, having adopted that opinion, I left office, or shrunk from any of the personal responsibility which that opinion entailed upon me, including the sacrifice of party ties in which I had hitherto been bound up, and the risk of losing the confidence of those with whom I had always been accustomed to act. Would any one say, that it was any purpose of party power or aggrandisement that induced me to abandon, what had been the chief pride of my life, the representation of the University of Oxford? The noble lord, when he taunts me for my change of conduct in respect to the Roman Catholic Relief Act, and when he taunts my noble friend near me for now acting in concurrence with me on this and other questions, can surely not forget the very evident rejoinder to which he subjects himself. The noble lord can surely not forget the year 1827, when, on the great subject of parliamentary reform, he published an opinion that he saw no necessity for such a measure. But I will not pursue this further. These are too important subjects to be trifled with in this manner. I will not retort upon the noble lord any of his taunts. I do not, in fact, feel any thing that has been said, because I know, that any imputations of the sort, whether upon myself or my noble friend, are unjust and unfounded. I do not feel them, they make no impression upon me, and therefore I shall not reply to them. I was speaking of the Roman Catholic Relief bill, and I said, that at the time of the Union we had a guarantee that the Protestant Church should be maintained as the Established Church in Ireland; and although the passing the Roman Catholic bill was not in the nature of a compact, yet I am convinced that the majority of persons in the country then believed, that civil equality to Roman Catholics might be conceded by that measure, with perfect security to that establishment. If, at the time of debating that proposition, the hon. and learned member for Dublin had told us, that the measure of relief would yet be incomplete—if he had told us his story of the Scotch taking to the hill-side, and armed with swords, and informed us that the first consequence of the Roman Catholic Relief bill would be the spoliation of the Church of Ireland, let me tell him, that that measure never would have been passed. No; the people of this country would never have consented to the removal of those disabilities, if they had known that the inevitable consequence of it was to be the alienation of the property of the Church. So far from such a result being contemplated, I refer to the opinions of Lord Plunkett, Mr. Grattan, Lord Carbery, and others, who distinctly denied that such would be the case. I refer also to the preamble of the bill, which stated that the removal of the civil disabilities of the Roman Catholics would tend to strengthen and maintain the Irish Church. This is our position now; but the moment we depart from it, and consent to purchase a little diversion of hostility from the Church, at a cost of £50,000 or £60,000, that very moment the principle upon which we stood is abandoned, the Act of Union no longer guarantees the inviolability of the Church of Ireland, and we admit a principle of appropriating the revenues of the Church to purposes of education, exclusive of the establishment. I do not mean to say, that

it would become immoral for a Protestant father to give his children the benefit of this instruction; but it cannot be denied, that in bringing forward an indiscriminate system of education, we imply that it is to be a course of instruction not in the principles of the Established Church; and, therefore, the whole state of things in that respect would be at once changed. With respect also to your amount as applied to your principle. You say that £400,000 is too much for the revenues of the Church, and you propose to abstract £50,000; but surely if you cannot maintain the maintenance of that Church upon the grounds of morality and reason, do you think that the Catholics of Ireland will be satisfied with an eighth only of these revenues? The principle of the noble lord is at once fatal to the establishment, whilst it has not the advantage of purchasing even present peace. On these grounds, therefore, I think that the present position of the Church of Ireland is better than it would be by accepting any such composition. The noble lord says, that the question now before us is a question between two distinct principles of government. I am ready, with the noble lord, to come forward to give all civil privileges to the people of Ireland, provided we can do so, still adhering to the principle of maintaining the integrity of the Established Church. This was the condition upon which I agreed to, and the people of England allowed of, the Roman Catholic Relief bill; and unless we now have satisfaction on this head—namely, the security of the Church of Ireland—we shall prefer the satisfaction of awaiting the devolution of the new powers which may be directed to undermine its strength, to voluntarily giving up an eighth of its revenues to be diverted to purposes foreign to its objects. With reference to education, I should like, I must confess, to see the country so circumstanced as to allow of a system of education being conducted by members of the Church Establishment [laughter]. Hon. members who laugh at this observation can surely not rightly apprehend its import. I said, that I should like to see the country so circumstanced as to allow of that principle of administering instruction; but I am too well aware that that cannot be the case in Ireland, if any doctrines of the establishment, or if any section of dissent, are made a *sine qua non* in the room of instruction. I am perfectly ready, however, to allow of instruction being provided for the Roman Catholic population on general subjects; for I conceive that the interests of the country would be better consulted by giving them education than by keeping them ignorant. The alternative, therefore, is not between a course of Protestant education or of Catholic education, but a third course is open to us of general moral education, which I should willingly adopt. I certainly prefer a general course of instruction of this kind; and, so far as the duties of the State are concerned in it, I should not object to allow the grant of any sum of money which might be deemed necessary for the purpose. And here, in fact, there is no real difference of opinion between me and the noble lord. It is just as well that this instruction should be paid for direct and at once out of the consolidated fund, as by the complicated machinery of your sixth resolution, which, in fact, is a mere delusion. Whilst I object at all to the principle of alienating the funds of the Church from strictly ecclesiastical purposes, I still more strongly object to applying such alienated funds to a course of education from which the principles of Protestant faith are excluded. The principles on which I object to this mode of appropriation are these—By this measure no satisfactory arrangement can be arrived at: it will alienate a part of the property of the Church, whilst at the same time it will not give satisfaction to the Roman Catholics of Ireland. In passing such a measure as this, you would be abandoning your duty as a Protestant legislature, by allowing a principle which will in itself undermine the Protestant Church, or at least give the means, by future agitation and discontent, to bring it to a state of ruin. Upon these grounds, therefore, I give my cordial support to the amendment of my hon. friend, in order to show my consistent maintenance of a principle, which I ever defended in office, and which I still adhere to in opposition.

The House divided on the original question. Ayes, 317; Noes, 298; majority 19. The House went into Committee, *pro forma*, and immediately resumed. Committee to sit again.

## NEGRO APPRENTICESHIP.

MAY 28, 1838.

The order of the day for taking into consideration the matter of the proceedings of the House of the 29th and 30th of March, and the 22nd of May, relative to Negro Apprenticeship in the West Indies, having been read, Sir George Grey moved a resolution to the effect, "That it was the opinion of the House that it is not advisable to adopt any proceeding for the purpose of giving effect to the resolution of the 22nd of May."

SIR ROBERT PEEL would leave it to others, who had more practical knowledge and local information than he had, to enter into the more minute details into which the hon. gentleman who had preceded him had gone; his main object was rather to state those leading considerations which had brought his mind to the conclusion, the force of which he most strongly felt, that it was fit the House should not proceed to carry into execution the resolution which, by a majority of three, the House of Commons had affirmed on a preceding evening. He had no difficulty whatever in taking a course either for rescinding that resolution in direct terms, or a course which he considered to be exactly tantamount, namely, the passing of a resolution that the House of Commons was not prepared to carry the resolution of the previous evening into effect. He would not enter into the discussion of the mere terms of the resolution; for the rescinding the resolution of the hon. baronet, the member for Warwickshire, would imply, that the apprenticeship system was to continue until the year 1840; and the affirmation of the resolutions moved by the hon. baronet, the Under Secretary for the Colonies, would imply exactly the same thing,—would be so considered in the colonies, and he apprehended would be as effectual for the purpose of removing delusions and misunderstandings, as if the resolution of the former night was rescinded. He had no difficulty in rescinding that resolution first, because he thought the course of proceeding adopted by the hon. baronet, the member for Warwickshire, the proceeding by resolution in a grave matter of this kind, was most objectionable. Here was an act of parliament, which had been adopted by both branches of the legislature, involving, in his opinion, a solemn engagement, which it was attempted to repeal, not by an act of parliament to be submitted to both those branches of the legislature, but by a single resolution, carried after a short debate, precluding that which was most necessary, namely, the consideration of the details, by which alone the principle of such a measure could be judged of. To do this, and thus to evade a compact into which the legislature had entered, and to evade it without inviting the House of Lords to be a party, was a course which might be taken at any time when the public feeling could be easily excited, and by which the House of Commons might escape all the difficulty of executing its own principle, though from the execution of that principle it was impossible to recede. If the hon. baronet, the member for Warwickshire, had asked for leave to bring in a bill, that measure would have passed through the several stages which had been wisely provided in order to guard against precipitate decisions. But the hon. baronet had not taken that course; he had sought to involve the House, by the decision of one night, in difficulties for which he himself had no solution. He had carried his resolution, and, having done so, now said he left the difficulties arising from it to be dealt with by others. Now, he must say, that nothing could be more unfair in a matter of the gravest importance, and in a question upon which the public feeling was so easily excited. If the hon. gentleman was confident of the justice of the principle of his resolution, and the feasibility of its execution, he, the author of the resolution, ought to have been prepared with a remedy for the difficulties into which he brought the House; and it was not enough to say that, by a slight majority, he would not only contravene the decision of the other House of Parliament, pronounced some time since, but also the decisions of that House, pronounced not two months since, and then shrink from the execution of his plan, and ask others to frame its details. Therefore, for the purpose of guarding against and discouraging a practice of this nature—a practice, as he conceived, calculated to fetter the deliberate judgment of Parliament,—he had no hesitation in taking a course which would annul the hon. baronet's resolution; he had no hesitation in taking a course which would amount to this—that the

resolution ought to have no effect. He should now state, without exaggeration, and without any attempt at declamation, the train of consecutive reasoning by which he had come to the conclusion, that it would be neither wise nor just suddenly to terminate the period of apprenticeship in the colonies. He apprehended, that that period had been fixed and enacted, in the measure of 1833, for a double purpose; first, he considered it had been expressly enacted to provide in part the compensation to the proprietors of slaves, and next, he considered it had been enacted for the purpose of instituting a preparatory state, which the negroes should pass through previous to the complete termination of slavery. Could there be a doubt, that a contract had been entered into? Why, it appeared to him, that if ever there was an engagement entered into by parliament, it was the engagement, that in compensation for the loss of the labour of the slaves, there should be, first, a pecuniary grant made to the masters, and secondly, that a proprietorship in their labour as apprentices, for a given period, should be awarded as part of the compensation. With respect to this point, what had been the language of those by whom the act of 1833 had been passed? What had been said by his noble friend the author of the measure? His noble friend on July 24, 1833, stated in this House, "When I introduced this bill, I distinctly stated (and I do not shrink from avowing it now) that I consider the period of apprenticeship to be part of the compensation to be paid to the proprietors." Could any thing be more express than this declaration of the author of the measure? And what said the then Chancellor of the Exchequer, the same evening? Lord Althorp said, "All I would observe is, that the period of apprenticeship is an essential principle of the bill, and if the period of apprenticeship was reduced to two years it would be equivalent to no apprenticeship at all, and this amendment, if carried, will be totally destructive of one of the main principles on which the bill is founded." But what were the enactments in the act itself? Those enactments gave a right of property in the labour of the negroes during the period of apprenticeship; they enabled parties to dispose, for pecuniary compensation, of the right to labour during the period of apprenticeship. Could, then, any thing be more clear, than that parliament considered that the right to labour was compensation, when it permitted that labour to be disposed of. He would ask what regulations the hon. baronet proposed with respect to the sales which had actually taken place under the bill? What regulations did he propose with respect to those parties who, relying not only on the implied faith, but the positive enactments of parliament, had disposed of the right they had to the labours of their slaves? Was the party who had paid his money for that labour, to lose it without chance of compensation of any kind whatever? If that was said, then such an act of injustice never was committed. But to remove all doubt that this was the compact, he would quote from the report of a committee, to which the hon. baronet (Sir E. Wilmot) was himself a party, in 1836, in which they spoke in these terms of that arrangement by which the labour of slaves, as apprentices for seven years, was made part of the compensation granted to the planters. That committee said:—"Under these circumstances, they must express a conviction, that nothing could be more unfortunate than any occurrence that had a tendency to unsettle the minds of any class, with regard to the fixed determination of parliament, to preserve inviolate both parts of the solemn engagement, by which the services of the negroes were secured for a definite period, and under specified restrictions."

Here then, again, was a recognition of that arrangement, as a solemn engagement, by the committee which sat to consider the state of the law, and the practice under the law, in the colonies; and that committee was composed of men, not prejudiced in favour of the proprietors, but who were disposed to execute their duty faithfully and impartially, and they recognized the position for which he contended, that there had been a compact between parliament and the planters. But it had been said, there was no written engagement. Perhaps not; but there were unwritten engagements, which ought to be as binding on parliament as a contract formally executed; and if the faith of parliament was pledged to this—if it was understood in the West Indies, in this country, and throughout the world, that this had been an arrangement, made for the purpose of depriving the proprietors of any claim or arrangement over their slaves, whether that engagement was written or unwritten, he contended, the faith of parliament ought to be held as solemn an engagement as if the parties had sealed the compact. The question then still remained, had there been

any violation of the contract? He took it, that the apprenticeship formed a part of the compensation quite as much as the £20,000,000 of money which had been paid; and then he had to inquire, had there been such a violation by the planters generally as would entitle the House to visit them generally with punishment? Of course, he had also to consider whether or not the penalty the hon. baronet proposed, was a just penalty. Was it to be confined to the guilty? did it exclude the innocent parties from suffering by it? If not, he could not consider it a just punishment. Parliament had a just right to interpose to secure to the negro every right and privilege which he was entitled to expect from the abolition act, and that would be a just punishment on the planter for a breach of contract; but still it was necessary to ascertain whether or not there had been such an universal, or at least such a general, neglect of the compact by the planters, as to entitle the legislature here to fix any penalty, and if so, whether that proposed was a fitting penalty, and consistent with good policy and the permanent interests of the slaves themselves; for care ought to be taken, lest, in attempting to punish the planters, the negro population also might suffer. Now he had attempted to read the evidence, and he felt convinced that no satisfaction could arise from referring to individual extracts, because any man, on either side of the question, might make out an excellent case both ways. It was impossible to judge the matter but from general results, because in many colonies the state of things was different. In Antigua, for instance, the legislature had declared for immediate abolition, in Barbadoes, they were maturely considering with good-will the possibility of giving effect to the acts of the Imperial Parliament, and that being so, it surely would not be right for the legislature to interpose, and to rob the Assembly of Barbadoes of the grace of their measures. If so, how could this country expect to govern that colony? Was it to draw a line of demarcation between the white and the black population—to determine the hands in which the power should be vested, and conduct the executive government of the colony in all its branches? If not, surely it was to the interest of the slaves for this country to conciliate the white population. With respect to Barbadoes, would any man, looking at the permanent relations between the whites and the blacks, advise parliament to take a step, by which the white population should learn that the House of Commons had stepped in, and suddenly deprived them of the act of grace and favour which they themselves had contemplated. Nothing could be more unfair and unjust. Look, again, at Jamaica, and there the report before the House led to the same conclusion. Let it not be understood, however, that he was the advocate of the course pursued by the Assembly in Jamaica, for he could not consider it any thing short of infatuation. Seeing how inevitable was the arrival of the period when the slave would be entirely free—when no colonial power could defeat the intention of Parliament—knowing there were two short years only to elapse before the slave would be entitled to every privilege—looking at these things, how any men possessed of legislative functions could not discover it was their own true interest and policy to apply themselves with fidelity and good-will to the fulfilment of the wishes and intentions of the Imperial Parliament, and to provide every wise measure for that period, the approach of which was inevitable, he could not understand. But, had there been on the part of the whole West-Indian body such a violation of their duty as would justify the interference now proposed? He did not think there had; and, in proof of this position, he would take the report of the committee of the House of Commons in 1836. It was there stated, that the mutual irritation which had prevailed among the black and white population was decreasing, and that, on the part of the negro population, industrious habits seemed to be gaining ground. The hon. gentleman opposite asked, why there should be an interval of two years for the purpose of framing preparatory measures? and he said, “What have you done during the last four years?” Why, this delay was recommended by that very committee of 1836, which contained some of the best friends of the negroes, and they declared that it would be most prudent to defer all preparatory enactments till the period immediately preceding the period of emancipation. The House, then, was fully justified in not having passed any preparatory measures, because those who were among the warmest friends of the negroes had advised their postponement. With respect to Jamaica, hon. members opposite had themselves admitted, after a full examination, that there was no doubt of a successful result to the experiment in that colony.

Antigua had anticipated the period fixed for emancipation, and Barbadoes was preparing to follow her example. Now, what was the case with respect to Guiana? The governor of that colony appeared to have conciliated the good-will of the slaves to a degree which rendered his authority on these points most valuable. Any conclusion might be supported from the voluminous extracts laid on the table, but he confessed, that he placed much reliance on the opinion of a man like Sir James Carmichael Smyth. If evidence could be trusted at all, Sir J. C. Smyth seemed to have completely succeeded in conciliating the good-will of the negro population. He began by a bold and impartial execution of his duty, and, disregarding alike intrigues and menaces in the discharge of it, he fully succeeded in gaining the affections of the negro population. And what was the opinion of Sir James Carmichael Smyth, with reference to the slave emancipation act in Guiana? He stated, that when he compared the condition of the apprenticed labourer with what he had been as a slave, he felt no small degree of satisfaction in reflecting upon the share which he had taken in carrying this measure into effect. The hon. gentleman opposite said, that millions of stripes had been inflicted on the apprenticed negro. Now, he thought that it was best to deal with this question without exaggeration. What was the opinion expressed by Sir James Carmichael Smyth, with reference to the amount of punishment inflicted in Guiana? Why, that he could lay his head on his pillow with the reflection, that throughout the whole colony not one single lash was given which ought to be withheld; and he also said, that, looking at what had then been already effected, he could look forward to the greater alterations which must be made in August, 1840, with something like confidence. He said, also, and it should be recollected that this came from one of the greatest friends of the negroes, that the period of apprenticeship ought not to be shortened. Surely it was better to rely on the testimony of a man, with the experience of Sir James Carmichael Smyth, than on unauthenticated statements, coming from persons whose names were often not mentioned. Looking, then, at the state of Antigua, Barbadoes, and Guiana, he could not come to the conclusion, that there had been that general infidelity to their engagements on the part of the West-Indian proprietors which would sanction a departure, on the part of the House, from the compact which was entered into in 1833. Then arose the question, whether the considerations urged by prudence and sound policy would suggest, that with a view of punishing the planter the period of apprenticeship should at once expire. He thought that such a course would be most unjust, as far as the planters were concerned, and most unwise, with reference to the interests of the colonies. The proposal made by hon. gentlemen was, to put an abrupt and immediate termination to the state of apprenticeship without any preparatory measures. There might be a difference of opinion upon the question whether apprenticeship ought ever to have been introduced, though he thought that his noble friend had done right in substituting that system for a state of slavery, without incurring the fearful risk of an immediate emancipation; but many of those who differed from him on that question, concurred with him in deprecating an abrupt and immediate termination to the existing system. Were hon. members quite sure that the real comforts of the negro were not more in the power of the whites than they at first imagined, and were they quite certain, that if the negro were suddenly placed in the state of a British freeman, he would enjoy all his material comforts? The House should remember that our colonies were not under a despotic government, like that of Spain, which could by a royal ordinance secure to the newly-emancipated apprentices all the practical rights of freemen. Only two years remained for the consideration of measures to be found for the regulation of a new state of society, and he trusted that the House of Commons would not, by sanctioning a breach of engagement, at the same time be guilty of such precipitation and folly as never could be expected from the legislature of Great Britain, or indeed from any other legislature in the world. They might depend upon it, when the year 1840 should come, the condition of the master and the apprentice would demand the careful and impartial attention of parliament. They would have many evils and difficulties to contend with, and unless they showed by their votes, to the white proprietor, that they acted with deliberate judgment, and held the scales of justice with a steady hand, they would impair and weaken the power which they would then be called upon to exercise. If they in their hearts believed, that the immediate abolition of the system of apprenticeship was just and

necessary, let them pass the required enactments; but if once they showed, by yielding to extrinsic impressions, that parliament was prepared to abdicate its function and to suffer them to devolve on Exeter-hall, he not only thought that they would strike a great blow at the legislative authority of parliament, but he did not hesitate to say, that they would deprive themselves of that influence which they ought to exercise hereafter in moderating the violent passions which must be excited in our West-Indian colonies. He also felt the full force of the argument which had been urged during this debate, that the conduct of the British parliament in regard to this question would not only have an important influence upon the condition of the negroes in our own colonies, but also upon the condition of the millions of slaves in other countries. If we told the planters in other countries that this experiment had failed, we might depend upon it that the difficulties in the way of an amicable adjustment of slavery in those countries would be formidably increased. His belief was, that no power on the face of the globe could effect the permanent continuance of slavery. He believed, that the wisest course both for France and America to adopt, would be, immediately to take into their consideration measures for the ultimate termination of slavery. It was impossible to witness the spectacle of 800,000 negroes emancipated by England, without feeling assured that their condition must materially influence that of 5,000,000 of slaves; but, in the name of humanity, let us set others an example of the peaceful and amicable adjustment of this question. Let us beware how by any such act, we put in hazard the realization of this prospect. Were we to tell foreign countries that they had no right to come to any compromise on this subject, and that there was no medium between slavery and immediate emancipation? If we held that language we should be throwing fresh obstructions in the way of a peaceful settlement. He believed, that the great triumph of the experiment would be an amicable adjustment; but if liberty was to be wrested with violence from the master, by the slave, he could see nothing in the distance but a long course of violence, anarchy, and bloodshed. If, however, the House of Commons showed that they could raise themselves above the appeals that were made to their passions, and permitted this experiment to be fairly and successfully worked out, they might look forward to a time, perhaps they might even live to see it, when in every other country of the world the very name of slave would be forgotten. But it was possible that by misleading the slave, and by inciting persons to tell him that by a vote of the House of Commons he was actually free, he might be led to acts of violence, in endeavouring to assert his liberty, which must be repressed by force, and which would not only prevent our own apprenticed negroes from following a course of peaceful industry, but would, at the same time, afford to the slave proprietor of other countries, an excuse for doggedly refusing his assent to an amicable adjustment. Upon these grounds he should feel it his duty to give his cordial support to the resolutions proposed by the hon. baronet the member for Devonport.

An amendment by Sir E. Wilmot was negatived, and the original motion carried by a majority of 72.

## SEIZURE OF THE VIXEN.

JUNE, 21, 1838.

Sir S. Canning moved for the appointment of a select committee to inquire into the circumstances connected with the seizure of the *Vixen*, and her cargo, by a Russian man-of-war, in the Bay of Soudjouk-kale.

SIR ROBERT PEEL: I really feel it to be superfluous to trouble the House further with a prolongation of this debate. After the eloquent and argumentative speeches of my right hon. friend and the noble lord near me, and the lame attempt at a reply by the noble lord opposite (Lord Palmerston), it is perfectly clear, that in point of argument, the case is satisfactorily settled. The noble lord has called the speech of my noble friend "a pugnacious speech." The noble lord was most unhappy in his epithet as in his argument. It was an able and a convincing speech—it was a logical and an argumentative speech—but the epithet "pugnacious" cannot be applied to it. Pugnacious, if I remember aright, in reference to a speech or a debate, means a conflict of

arguments ; but that the speech of my noble friend cannot be so designated, is evident from the simple fact, that all the argument is on his side. I recollect a high classical authority for the use of the term. It is that of a gentleman placed in a situation nearly similar to that of the noble lord opposite :—

—“ *Miseræ cognosce proemia rixæ  
Si rixæ est, ubi tu pulsas, ego vapulo tantum.*”

The noble lord expressed his surprise that the result of my right hon. friend's motion should be of so trifling a character. But may I not be permitted to express my surprise at the observations of the noble lord in this respect? What! is the vindication of the character of a British merchant, and the protection of the commerce of this country, such trifles in the eyes of the noble lord, that he can be surprised at my right hon. friend's interference on their behalf? It may be an insignificant matter in the eyes of the noble lord, and a few tons of salt may seem to him to be a mere trifle; but the subject is one which involved as great a stake as if the cargo were of precious stones; and, at all events, that is no language for a Foreign Secretary of this kingdom to use when any of its interests are at issue. It is no matter what may be the size of the vessel seized—it boots not what is the nature of her cargo: it may be salt or it may be diamonds—the House of Commons is the place where such a case as this question involves should alone be decided. The noble lord, in the beginning of his speech, certainly exonerates Mr. Bell from blame—he acquits him of wrong, and he casts no stigma on him: but, long before he concludes, he casts them on him in abundance. Why is it so? The noble lord, at the outset of his observation, denies the committee moved for by my right hon. friend, on the grounds that Mr. Bell's character is intact; but the noble lord cuts himself off from that ground, by casting imputations on that gentleman's character before he concludes his speech. I know nothing of Mr. Bell—I have no acquaintance with him—I have no knowledge of him, except in his capacity of a British merchant; but still, I think, the noble lord might have done his own cause more service, if he had not endeavoured to damage Mr. Bell. The noble lord has cast imputations on Mr. Bell's character. I have his words. They are—“Mr. Bell was endeavouring to entrap me under false pretences.”

Viscount Palmerston denied having employed the word false. He only said, that Mr. Bell was endeavouring to trap him under pretences.

Sir Robert Peel: Well, be it so. The noble lord also says, that Mr. Bell was concerned in an attempt to involve two great countries in a war. Why, what motive could a British merchant have to promote a war between two countries such as Russia and England, unless he acted under the direction of his own government? If, as the noble lord has stated, Mr. Bell possesses large property in Russia, what motive could he have—still more so as a British merchant—in promoting a war between the two countries, unless he understood that it would please the noble lord, or some one in power and authority? I am given to understand that Mr. Bell would be a great loser in the event of such a war, and the noble lord has quite failed in assigning any reason why he should desire it. If the noble lord had succeeded in showing that Mr. Bell was acting on intelligence with the British government, I should have been able to understand it, however unwise I might deem his conduct. The motive in that case would be obvious. Now, it is not; and, therefore, the noble lord is at fault in his observations respecting him. After listening to the speech of the noble lord, and the hon. and learned gentleman behind him, I ask myself, for what purpose are the different departments of the state in this country constituted? Are they to assist British merchants—to counsel, to guide them, to point out when they are wrong, and to encourage when they are right? If the case before us be taken as a specimen, I should rather say, that they were established for the purpose of bewildering him. The noble lord has said, that he is himself the “Foreign-office,” and that no authority but his was to be taken in all matters connected with that department. What does the noble lord mean? Does he exclude altogether the Under-secretaries from all share in it? Does he mean to say, that British merchants and consuls communicating with the Foreign-office, were not to take any thing on the authority of an Under-secretary of State, unless he proclaims it at each word to be derived from the noble lord alone. Is every communication not made in that manner



to be looked upon as invalid? I have been Under-secretary of State myself. I have been Secretary of State also, and though I know not what foreign ambassadors might do, I do know, that no British merchant would look at the difference between Secretary and Under-secretary, in the way of information relative to his business. In cases of such a confidential nature as that under discussion, an Under-secretary would venture to make a communication without authority. The objection, therefore, is an invalid one, and the line of difference drawn by the noble lord cannot be sustained. Let us now consider the position of Mr. Bell, as a British merchant, after he had sought information on the subject from the public authorities. In 1831 the noble lord received a distinct intimation from Russia, that she meant to establish fiscal rights on the coast of Circassia. The noble lord says, that it would not be convenient to communicate that intelligence to the public. Granted. But when did Mr. Bell make inquiries respecting it? Years after. According to the laws of Russia, the Black Sea was to be open to all vessels; but that they could only touch at certain ports on the eastern shore, where quarantine and custom-houses were established. What communication did the noble lord make to Russia, on receipt of this intimation of her intention? I will agree with him, that it may not have been convenient to make it public at Lloyd's at the time, but what communication did he make to Russia, when he learned that Circassia was to be no longer an independent power? What did he say, when he was informed that Mr. Bell's vessel had been seized? In a letter of Lord Durham to the noble lord, it is said, that the forcible interference of any foreign power with the peaceful occupation of a country was to be condemned. Perhaps, he had heard of the noble lord's opinion. Was not Mr. Bell justified in undertaking this voyage under such circumstances? What satisfied Lord Ponsonby after the seizure of Mr. Bell's vessel? Was it the decision of a Russian judge—some Scythian Lord Stowell? No; all the authority ever exhibited for the act, was an imperial order, dated St. Petersburg, and directed to the Russian admiralty in the Black Sea, directing it to confiscate the Vixen, and declaring it and the cargo a good prize. The noble lord, he was sure, would never think of relying on such an authority in a question where the law of nations was solely concerned. What other authority had the noble lord? That of Count Nesselrode, who said, that the reason assigned for the confiscation of the Vixen was, that she entered a port ceded to Russia by the treaty of Adrianople; and the justification was twofold—first, having on board a cargo not allowed by the fiscal regulations of Russia; and, second, having entered a port declared to be then in a state of blockade. If such an official declaration could be had so easily from Russia, and was deemed satisfactory by the noble lord, why had he not essayed to procure a similar satisfactory explanation from that country relative to the declaration made by Russia six years before? Between the 19th of April and the 23rd of May, a remarkable change from official declaration to satisfaction occurred in his manner—all apparently induced by the assurance received from Count Nesselrode, that Turkey had ceded the coast in question to Russia by the treaty of Adrianople? Again, I ask, why did he not apply to Russia, at the proper time, for some similar assurance or explanation respecting her claim to a right of blockade on that coast? Why did he not protest against that Ukase, and so have retained to himself the power to have contested the assumption at any time he thought proper? He might have said, "I have received such a declaration, 'tis true, but I will not admit its force." That might have been consistent and politic; but there was nothing of the kind done or thought of, and almost as soon as the question was raised, it was set at rest, on the satisfactory assurance of Count Nesselrode that the coast had been ceded by Turkey. Certainly, Mr. Bell did not receive the most satisfactory assurance or information on the subject. He applies to the Foreign-office, and he is told, "Look to the *Gazette*, and see if the blockade be recorded there." There certainly was no direct communication from the noble lord at the head of foreign affairs, to warrant Mr. Bell's enterprise; but, looking to the communications of Mr. Urquhart, and Lord Ponsonby with him, respecting the rights of Russia and the protection of England, I don't see how any man could come to any other conclusion than what Mr. Bell did, respecting his right to trade and his claim to the protection of his country. The noble lord may say, that Lord Ponsonby might, in his explanation, have confounded the ideas of blockade and "fiscal regulations," but he does not allow Mr. Bell that excuse. Extending to the noble lord himself that

excuse—allowing him to have interpreted the edict of Russia, in 1831, to have duly extended to “fiscal regulations,”—it may be easily inferred, that he need not have taken the trouble of protesting against, or contesting such a harmless edict. It certainly looks as if he had thought the whole affair a trifle, till the affair of the *Vixen* enlightened him, for he had six years to think of the matter, and yet said nothing about it. The noble lord said, that Mr. Bell might have had a political object in his commercial speculations. It appeared, however, that Lord Ponsonby himself was a willing party to this political object, according to the statement of Mr. James Bell. He says in his account of his interview with Lord Ponsonby:—“I then informed his lordship, that it was my intention to proceed in a vessel I expected daily, to a certain point on the coast of Circassia, which I had fixed upon as most eligible for the trade I had in view; and that, as I had ascertained before leaving London, that our government did not acknowledge any right on the part of Russia to impede trade with the country in question, and as nothing seemed to have since occurred to change the position of affairs, I should endeavour to attain the object I had in view, and should not be diverted from it, unless force were employed on the part of the Russian government, in which case I should seek redress from the British government, and hoped to obtain his lordship’s aid in so doing. In reply to this, his lordship stated, that he perfectly coincided in the propriety of the plan I had adopted, to which he had no objection whatever to offer, as he considered it an indisputable point, that Russia had no right to interfere with, or prescribe rules for, British trade with Circassia; and that, if I adhered to the straightforward course detailed to him, he had no doubt of my being able to establish a claim for support from the British government, in which he would be glad to render me all the assistance in his power, requesting me at the same time to transmit him information as to what success attended my enterprise.”

What, then, did Lord Ponsonby mean when he told Mr. Bell that it must be necessary, for his own interest, carefully to avoid every thing that would wear even the appearance of an attempt to evade a blockade? He could not mean “fiscal regulations” here. I must say, that if Mr. Bell became a politician, you made him so by your advice, countenance, and support. You told him that Russia had no right to demand dues, though she might have to blockade the coast. Where is the British merchant who would not attempt to trade when so assured and supported? From Lord Ponsonby, he goes to Mr. Urquhart, and if, by his official advice, Mr. Bell went wrong, the noble lord who appointed Mr. Urquhart, and sent him to Constantinople, is responsible, and not the British merchant who acts on his information. I am aware, that this case is one of a very peculiar nature, and I may say peculiar hardship. A court of law, I fear, will not grant redress. I do not say, that a House of Commons would give redress, but I say that there is a strong case for inquiry. There are three distinct points in favour of Mr. Bell: first, the six years’ concealment of the blockade, by the noble lord at the head of foreign affairs; second, the dry answer returned to Mr. Bell, when he demanded such information as might have served for his guidance, from the only competent authority; and third, the further encouragement given him abroad by Lord Ponsonby and Mr. Urquhart, all form solid grounds for this inquiry. The noble lord says he will resist it. It would be dangerous, perhaps, to give the political portion of the subject into the hands of a select committee, but the demand for inquiry stands upon grounds to which that objection cannot fairly be made. A British merchant comes before the House of Commons, and states, that he has been encouraged by the government to embark in an enterprise, by which he has lost his property, through foreign interference and aggression, and that he can obtain no redress. He declares, that the courts of law are not available to afford him compensation—that the assurance offices will afford him no redress—and that, as a last resource, he applies to you. You may refuse him this redress; but if you do, I forewarn you that your decision will not be satisfactory to the public, who look attentively at these proceedings—and, still less, will such a decision be satisfactory to the great and intelligent body of British merchants, so deeply interested in the case, and who so naturally look to you for protection, sympathy, and justice.

On a division the numbers were: Ayes, 184; Noes, 200; majority against the motion, 16.

## TITHES (IRELAND).

JULY 23, 1838.

The House went into Committee on this Bill. On the 1st. Clause being read, Lord John Russell proposed to omit it, and substitute for it a clause declaring, that the right of all persons to tithes, or to composition of tithes which had already accrued, or which might hereafter accrue, should cease and determine, &c.

On the amendment being put,—

SIR ROBERT PEEL rose and said, Sir, I have an amendment to propose to the clause which the noble lord has moved should be substituted in lieu of the first clause of the bill, and which has been just read from the chair. The noble lord's substitute clause proposes, that the rights of all persons to tithes and compositions for tithes which have already accrued, or which may hereafter accrue, shall altogether cease and determine. The effect of this proposition would be to give a legislative extinction to all tithes, or arrears of tithes, that have already accrued. With respect to the extinction of all right to tithes which may hereafter accrue, I do not so much object to that part of the proposition, for parliament proposes to give as a substitute in lieu thereof, a permanent and secure rent-charge. But, Sir, I very much doubt the policy of extinguishing all right to tithes which may have heretofore accrued. At the same time, when I say this, I fully feel the difficulties by which the subject is environed, and I agree in the desire, so far as not to violate any principles, to make a final and satisfactory settlement of this question by the legislative extinction of tithes. I agree in the noble lord's proposition that a sum should be applied to the extinction of all arrears of tithe, and, that it should be a definite sum. I am satisfied with the proposal of the noble lord, that a sum of £300,000 should be applied to the liquidation of those arrears. That sum is to be composed of the remainder of the million, namely, £268,000, and over which the noble lord has absolute control, and of £40,000, which the noble lord expects to be able to make up from the recovery of the amount of claims still due by solvent parties. The noble lord then proposes, that that sum, which for the sake of clearness, I shall assume to be £300,000, shall be together applied to the liquidation, exclusively of the arrears of 1836 and of 1837. On these parties to whom the arrears for these two years are due, receiving their portion of the amount to be applied to this purpose, the provision of the noble lord's clause is, that then and thereafter, the claims to arrears of all persons being tithe-owners should be extinguished by law. Now I very much doubt the justice, as well as the policy, of that proposition. In the first place let us take the case of an incumbent who vacated his living at the commencement of 1836, and who had claims for arrears for 1834 and 1835. Now, would not the peculiar force of this case be considerably augmented if it should appear, that such an incumbent had forborne to enforce these claims from a desire to wait until he should be enabled to understand what opinion parliament would express with respect to the final settlement of this question. Well, then, let us take another case. Let us take the case of a widow whose husband died at the commencement of 1836, and who had unsatisfied claims for arrears of tithes that accrued in the years, 1834 and 1835. Now, would it not be unjust that this party, without having received any kind of compensation whatever, should be deprived of her undoubted legal right to recover the amount of these unsatisfied claims? Indeed, Sir, I must repeat, that I very much doubt the policy as well as the justice, that persons who at present are in the possession of legal rights to enforce the recovery of debts due to them, shall by your enactment, be deprived of those rights, and lose the power of recovering the debts due to them, for no other reason than that other persons, who had no better claims, should be enabled to receive a proportion of what was due to them for two years. Why, what was it more than this, that one party whose claims related to two antecedent years should, without any compensation or consideration whatever, lose all claims, and be deprived of their legal rights on the payment to other parties of arrears or compensation in lieu of arrears which related to the two subsequent years of 1836 and 1837? I doubt the policy of your declaring as you do by this clause, that under no circumstances in future shall tithes be enforced. That no matter how solvent a debtor may be—that no matter how contumacious, vexatious, or obstinate the

resistance to the payment of these claims may have been, you are by your legislative act to declare this resistance successful, and that neither the tithe-owner nor the executive government shall hereafter be enabled to enforce the payment of these arrears. I fully agree that parliament must interfere for the settlement of these arrears by a specific grant of a sum of money, which sum, I agree, should be that which the noble lord proposes to apply to this object. I also agree in the propriety that parliament should clearly understand what amount of pecuniary burthen should be placed on the United Kingdom for the settlement of this question. I do not call upon the government to make any proposal that the amount of arrears, which amount is indefinite, should be paid in the proportion of 75 per cent. or of 60 per cent. This would not be a reasonable expectation to entertain, that the government should make an indefinite proposition of this kind. The amount of arrears being unascertained and indefinite, were such a proposition made, the sum applied for their liquidation would be indefinite also. It seems to me reasonable that parliament should only be called upon to grant a definite sum; but that parliament should ascertain what proportion this sum would bear to the arrears, and that an option should be given to the party to whom the arrears are due to accept or reject the terms offered by the government. I would also propose that in every case where the offer was accepted, the government should inherit the right of the tithe-owner, and should be left the power to determine whether they would enforce the payment of the amount due by the debtor or not. By the adoption of my proposition you will save two principles. You will avoid violation of the rights of property, which will not be the case if the proposal of the noble lord, in its present state, be carried into effect. I do not think it is fair, that you should force parties to accept certain sums in lieu of existing rights. I can understand that you may fairly say to a party, "We offer you a certain sum in lieu of your existing rights—we make that compensation as liberal as we can—you may refuse it if you like; but we warn you, if you do that, you must expect great difficulty in the recovery of those arrears. You may seek to recover them if you choose; and if you take that option, we will do our duty towards you. We will assist you with the aid of the civil power, whenever it be necessary; but you may find it wiser to accept the compensation which we now offer you in lieu of those claims." I can very well understand the fairness of pursuing such a course as this. You would do injustice to no one, because you would leave to every party the power of rejecting or accepting the offer you made them. If they did accept your offer, the object you have in view would be carried into effect without any violation of the rights of property; and if they did not accept your offer, you would leave every party in the situation in which you found them. My own opinion, undoubtedly is, that your offer will be accepted; and that the tithe-owner will consent to accept his proportion of £300,000. I think, that the opportunity of accepting or refusing that offer should be given. To those who declaim so eloquently, and object so strongly to the application of the public money to any such purposes as this, I very much fear that neither the noble lord's proposition, nor mine, will be likely to give much satisfaction. It is very easy to talk in this way. It is very easy for hon. members, who have no connection with Ireland, and who are not acquainted with the condition of things in that country, to get up and say, "Oh, why should not these claims be enforced? Why should not these arrears be recovered, by pressing for the payments on those by whom they are due?" I object to the burthen of such an amount for the settlement of tithes being placed upon this country." It is quite easy to talk in this way. I agree upon this point, that it is easy for hon. members who have no responsibility, to get up in their places, and declaim in this way; and, after having become warm and eloquent upon the topic, then sit down to enjoy the cheers with which their speeches are applauded. But, Sir, no one can deeply and fully consider this question, without becoming fully sensible of the difficulty of bringing it to a satisfactory conclusion; or without, on the other hand, being convinced of the beneficial consequences that would result from the final settlement of the question on a permanent and satisfactory basis. However, if the advance of £300,000 would secure the permanent and satisfactory settlement of the Irish tithe question, I firmly believe, in even the narrowest view of the question, that with respect to the pecuniary burthen to be placed on England and Scotland, I say, that I firmly believe, if such a result could be secured, that the

peace of Ireland would be cheaply purchased by the payment of £300,000. Nay, more; if it depended solely on my own wish, I do not hesitate to say, that I would not shrink from even a farther advance if I felt that we could thereby place ourselves upon the threshold of satisfactory settlement, because it appears to me, that we are going to place the question on an entirely new footing, and to place the payment of the clergy on a totally different system. Whatever may be the effect, or whatever difference of opinion may be entertained with respect to the Established Church, we are going to place the tithes upon an entirely new footing, and a system altogether new. We are about to place the Irish landlords under an obligation of taking on themselves the support of the clergy of the Established Church. We are going to give to the clergy of the Established Church the most enlarged powers for the protection of their future income, which we have thought fit should be reduced in amount, in consideration of the increased security to be derived from the altered system under which they are placed. We are going to remove the clergy from all contact with the occupier in the relation of tithe-owner and tithe-payer. We all agree, that this is desirable. But then we cannot do this, without first making some just and reasonable provision for the settlement of the arrears. Now, in concurring in the necessity of doing this, I can by no means concur in the opinion expressed, a few days ago, by the hon. member for Southwark, that this is only the first of a series of demands which this country will have to answer on the part of the Irish Church. I by no means think, that any such thing is likely to be the case. Nay, more; I can hardly see the circumstances under which, after what we are doing now, it is possible that there can be a fresh demand on the part of the Irish Church. I will, then, assume, that the sum of £300,000 is to be applied to the settlement of this question. Our single wish is, to effect that settlement in a satisfactory manner. As I am anxious to do justice to the clergy of the Established Church in Ireland, I would even consent that, within certain limits, the sum of £300,000 should be still further increased; but under existing circumstances, that is, perhaps, impossible. Whatever is to be the amount, it seems to me that it would be desirable, that the government should take the additional sum out of the Consolidated Fund. Whatever the sum is to be, let it be at least a definite sum. I believe the noble lord calculates with certainty, on being able to recover £40,000, to make up the remainder of the £300,000. I therefore, think, it would be much better, and give an increased feeling of security, if the government would advance the whole sum of £300,000, and hold themselves responsible, or at least should themselves undertake the collection of the £40,000 which the noble lord expects to be able to recover. Let them repay the advance of the £40,000 by applying to that purpose the sums that they expect to recover from the landlords. Let us, then, agree, that the sum of £300,000 should be the amount advanced by parliament. My proposal is, that nothing should be done until we first ascertain the amount of the arrears due. I sincerely desire, that we should approach the settlement of this question altogether unprejudiced, and only governed by the consideration of how we may best come to the most satisfactory and beneficial result. I hope hon. members will be convinced, that by adopting my proposition they will commit no violation of any principle—that they will not interfere with any rights of property; and that my plan, whilst it possesses those advantages, has an equal tendency to the settlement of the question. I propose no appropriation whatever of the money advanced without full preliminary inquiry. As I said before, I would appoint a commission to inquire. Should the expense of a commission form any ground of objection, I do not think there would be the least difficulty in finding persons, sufficiently alive to the interests of the Church, to be willing to undertake those duties if it should so be wished, without compensation. I propose, that three commissioners be appointed; let two of them be appointed by the government, and let the third be appointed by the Primate of Ireland. Or if this be objected to, let the government have the appointment of the three commissioners, but let it be understood that one is to be appointed specially to watch over the interests of the Established Church. I would then propose that these commissioners should proceed to inquire into, and to review the whole subject of arrears of tithes; that they should collect information with respect to the amount of arrears now due, not alone the arrears due on account of 1836 and 1837, but likewise of the arrears due on account of 1834 and 1835. I would propose, that the amount due for all the years should

be stated, and that the commissioners should class those arrears under different heads—that those of 1834 should be classed by themselves, and so on for each year, down to the arrears of 1837, thus including in this way each of the four years, for which the arrears are due. I would also propose, that the commissioners should mention in their report any special circumstances connected with any particular portion of those arrears, that those matters of a special nature might afterwards be taken into consideration. After the commissioners had ascertained the amount of the arrears, and what proportion was due for each year, I would then propose, that the money advanced should be applied, not for the liquidation of the arrears of any one or two years, but that it should embrace within its scope the whole of the four years. I would not apply the same principle to the whole of the arrears, but I would not exclude the whole or any part thereof from the benefit of the compensation, not of course giving the same amount of compensation with respect to 1834 and 1835, as with respect to those of 1836 and 1837. There may be cases in which many of the clergy suffered those arrears to accrue from a forbearance on their parts, and from a wish to avoid the introduction of causes of disturbance or agitation into their parishes. With respect to these cases I will now say nothing, but propose that the commissioners should ascertain the facts, and should in their report suggest for future consideration the principles on which repayment should be made. I would, moreover, propose, that the plans suggested by the commissioners should not be binding until they should have received the sanction of parliament. Nothing would then remain to be done in this respect, but that the £300,000 should be divided on such principles as would appear to be most consistent with justice for the settlement of those arrears. Now, as to the offer of compensation, it is my firm belief, that in nine cases out of ten, the offers would be accepted, and that without any violation of the principles of property, we should be enabled to arrive at a satisfactory settlement of the title question. To come now to another point of the noble lord's proposal. The noble lord proposes, that in paying the arrears for the two last years, the right to the recovery of all arrears which had previously accrued should altogether cease, and be entirely forfeited. Now, surely, there would be no justice whatever in that proceeding. We could introduce or promulgate no more dangerous principle than that of acknowledging a claim and denying a remedy. The claim becomes at once extinguished if the remedy be taken away. You make an advance of money, the distribution of which is to be confined to particular parties, and though you declare your intention to extinguish the rights of other clergymen, you say that they are to receive no compensation whatever. Now, surely, no one can attempt to say that this is justice. Take the case of a clergyman, who, at great expense, and by great trouble and exertions, brought his claims for the arrears due to him in the two antecedent years to a successful issue, but though he had succeeded in placing them on this footing, had himself received no benefit. Well, he dies, or is transferred to another parish. A new incumbent comes in in 1837, and reaps the whole benefit of the exertions of his predecessors. You then give this new incumbent all the benefit of your compensation, whilst his predecessor, the benefit of whose exertions he has reaped, gets nothing in respect of the arrears relating to the two antecedent years. You say to the representatives of this man—"We will give nothing whatever to you—this parliament has determined to take away your legal rights—we will give you nothing to compensate you, but we will take care to deprive you of the power to enforce your undoubted and acknowledged claims." This, let me warn you, is a dangerous principle to introduce into legislation, and is as applicable to every other claim, no matter what its nature, as it is to the payment of these arrears. It is saying to any man whose rights you take away—"You must make a sacrifice for the benefit of the public, but we will take care that the whole burthen of that sacrifice shall fall exclusively upon yourself." There are many instances in which you may apply the same principle on the same grounds. It would be easy to show, if that principle were recognised in our legislation, that no property would be safe. As to what should be really done, my proposal comprises the whole case and meets every difficulty. I would include the tithes of 1834, as well as those of 1837. I certainly might feel it right to allot a smaller sum to him to whom arrears were due from 1834, than to the individual whose arrears had accrued in 1836 or 1837. As I said before, I believe, if, as I think you ought you were to give the option, that in most

cases your offer would be accepted. You might, if you thought it necessary, contract the time during which the option should be given. I was represented to have said on a former occasion that fifty per cent would be an adequate compensation. I have since got several letters from Ireland stating that fifty per cent. was too little. But I have this diligently to deal with—the sum to be appropriated to this purpose is definite, whilst the amount of the arrears is indefinite; so that I only know one part of the question. It strikes me, however, that the proportion between the arrears and the sum advanced for compensation, may enable you to offer fifty per cent. for the arrears of the two first years, and sixty-five per cent. for the arrears of the two last years. I have this to observe, that in case your offer is refused by some of the parties, the more will remain to be divided amongst those who accept your proposal. Parties will consider, whether it is not better to accept the offer of the government than to bear the burthen of enforcing their own rights. I am firmly convinced that before three months, most of the parties to whom these arrears are due, would be anxious to get instead of them a net advance from the public funds. But even if they did not accept your offer, I believe that such a plan would be equally successful if you carry into effect the amendment which I now have the honour to submit to the consideration of the House. My amendment is this. In the fifth line of the clause which the noble lord proposes to substitute for the first clause of the bill, I propose after the word “accrue” to insert words to the effect, that the rights of all persons to compositions for tithes, or arrears of tithes, shall, in the cases hereafter mentioned, vest in her Majesty, and that the rights to all persons to tithes to be hereafter due, shall altogether cease and determine. If the words I propose, be adopted, it will imply that in certain cases, to be hereafter more fully and specially mentioned, if the offer made to the tithe-owners shall be accepted, the existing right of tithes should be transferred from the clergy to her Majesty’s government. It would rest in their hands then to determine whether or not these claims should be extinguished; but in any case, unless compensation was given, I contend that the rights of parties ought not to be interfered with. My proposal does not involve a greater advance of the public money than that of the noble lord. The sum proposed to be granted, will be sufficient, as far as I can at present see. The sum to be devoted for this purpose is subordinate to the greater and more important consideration of what is the best mode to settle this question with a view to securing the peace of Ireland, and also without violating any great public principle, or the rights of property. Keeping before our minds the great principles which should ever guide our legislation, our duty is to consider what is the best mode in which we can come to a final and permanent settlement of this question. It is of the deepest importance that whatever settlement we make should be satisfactory, and that, whilst we secure the peace of Ireland, we should endeavour to place on a proper basis the interests of the church. I sincerely hope that neither my proposition, nor that of the noble lord, will be rejected on the ground which was put forward the other night, namely that the protestant church in Ireland is on a rotten foundation. I cannot help saying, that I heard with deep regret that speech of the noble lord (Viscount Howick), having a tendency to produce excitement and alarm amongst the friends of the established church in Ireland. I can very well understand the grounds on which the noble lord felt it consistent to abandon the appropriation principle, but having abandoned that principle of appropriation, why did the noble lord think it becoming in him to make a declaration which would excite alarm and agitation in Ireland, and which was calculated to prevent, so far as the declaration of a minister could prevent, the success of the measure which the noble lord himself had brought forward. For my part, Sir, it is my sincere belief, and my strong conviction, that the established church will be maintained in Ireland. I believe it absolutely essential to its maintenance that the limited provision now about to be made for the support of its clergy, should continue to be made. I consider, indeed, that after the deductions from the income of that church which parliament has decided on making, that there will not remain more than is barely sufficient to maintain the clergy in that decent comfort which is necessary to the performance of their ecclesiastical duties. I am at the same time certain, that you will never reconcile the people of Ireland to the continuance of that church by merely providing that ten per cent. shall be deducted from the amount of the revenues of the church, and still less will you succeed in that end by

declaring that an indefinite and unascertained surplus which may possibly accrue at a period some forty years hence shall hereafter be applied to the purposes of education. I think it much better that that sum which is the property of the church should be appropriated to the support of the ministers of that church. Depend upon it, the noble lord will be no more able to maintain the principle which he propounded the other night, than he was able to maintain the appropriation principle. The noble lord says, that if he pushed his principle to its legitimate extent, that he ought to go further. Why, possibly in the declaration he made, we may find some clue to the interpretation of that principle. It would be better that the noble lord should at once, and above board, tell us what is the conclusion of his principle, and what is the ultimate limit of its application. I tell the noble lord, that I consider that his principle, if brought to its legitimate conclusion, would be nothing more nor less than establishing the religion of the majority, and of transferring the wealth and influence of the minority to the support of the church of the majority. If this be the legitimate conclusion of the noble lord's principle, let me tell him, that no intermediate arrangement will give him any chance of such a settlement. What is the security that we hold for the maintenance of the established church. It is a fundamental principle of our constitution that the Protestant religion should be established as the religion of the state. In addition to this we had a guarantee at the time of the union of Ireland with Great Britain that the Protestant Church should be maintained in its integrity as the Established Church of that country. And mark you, this guarantee was given at a time when, whatever anomalies existed in that country were as well known as they are now, and when the disproportion between the Catholics and Protestant inhabitants of Ireland was as well known as it is at present. Well, then, at the time of the union we were given an additional guarantee, that the Protestant Church should be maintained as the church of the state. We had besides this the moral guarantee that ought to be held binding by the parties who gave it, and who assumed at the time, that the removal of the civil disabilities of the Roman Catholics was perfectly consistent with the maintenance of the protestant faith as the established faith, and with the maintenance of the Protestant Church as the Established Church of the country. In every thing that we did we always took care to maintain that principle. If you ask me to depart from that principle, I say I will not consent to do so, because you now assume a new position. I will not consent, no matter what may be the disparity of numbers, that the Protestant religion shall be maintained as the established religion of that country. I will insist that there shall be a sufficient provision to support the episcopal dignity of that church, and to maintain its clergy in decent comfort. This is a position which I can understand, and this is a position which I can maintain. You say, let four-fifths of the property of the church be applied to the use of the church, but let one-fifth be appropriated somewhere else and applied to some other purpose. I said when you made such proposal, that I never would give my consent to any such proceeding—that if I consented I should only weaken my title without acquiring any additional security. I believe, that the maintenance of this great principle is of the deepest importance—I mean the principle of maintaining the Established Church. I don't think that you will ever approach a satisfactory settlement of this question if you go the length of pushing the noble lord's principle to its legitimate conclusion, and establishing the Roman Catholic religion as the religion of the state. I don't believe, that by pursuing such a course as this you will stand much chance of making a satisfactory settlement of Irish questions. I think, on the contrary, that you will only open fresh causes for discontent and excitement, and, instead of a satisfactory settlement of Irish questions, you will lose all chance of securing satisfaction, and establishing the settlement of these questions on a satisfactory basis. If you take such a course as that to which I have adverted, you will run the imminent risk of renewing in fresh activity those dreadful contests of religious opinions which have heretofore existed, and which it has been the object of parliament to extinguish. In expressing my determination to maintain the Established Church, I adopt the principles that were settled at the revolution—those principles which were further recognised and confirmed by the Act of Union, and additionally guaranteed and strengthened at successive times by every promise and pledge that parliament could give. I repeat, that whilst I admit the perfect equality of civil rights in all classes of the state, and whilst I would remove any



disability and extinguish every distinction, I consider it to be a fundamental part of the constitution of this country, and a principle intimately identified with its welfare, that the Protestant Church shall always continue to be maintained as the established religion of the state. In conclusion I will say that, after we have made every reasonable concession with respect to the amount of tithes in Ireland, the remaining amount of tithe, or of the revenue substituted in lieu thereof, should be solely and exclusively applied to the support of the ministers of that religion, which I trust we shall ever feel it one of the highest duties to maintain as the established religion of the state. The right hon. baronet concluded by proposing an amendment, to insert after the word "accrued" words "due in Ireland shall, in the case hereinafter mentioned, be vested in her Majesty, her heirs, and successors, and that the rights of all persons in and to all tithes or compositions for tithes:" that the tithes of all parties to recover arrears of tithes should be maintained, and that where parties consented to accept the terms proposed by the government, the right of all such parties should be transferred to, and vest in, the government.

In reply to a remark by Lord Howick, Sir Robert Peel said, that the noble lord had mistaken him in supposing that he had alluded to the noble lord in his observations on the opinion of those who had promoted emancipation. At the time of the Emancipation act, the noble lord was, he himself admitted, too young a member to have his opinion taken into account, and what he (Sir R. Peel) alluded to, was, not the opinions of individual members, but the public declarations of the chosen champions of the Roman Catholics—of the chief promoters of their cause. He was speaking of Mr. Grattan, who, in the bill he brought in for the arrangement of the Roman Catholic question, included in the preamble the following expression; "Whereas the Protestant religion is the established religion of the state, and is solemnly guaranteed as such by the act of settlement, and the act of union, and whereas it would tend to the stability of the state if the disabilities under which the Roman Catholics labour were now removed." Here was no disguising of opinion. No one could be justified in accusing Mr. Grattan of an intention to diminish the securities of the Protestant Church, or of interfering with its property. No; on the contrary, his declaration was, that at the time of the passing of the bill they had the most distinct and positive assurances, from the most eminent authorities, that in their opinion the restoration of civil equality was perfectly compatible with the maintenance of the Established Church. He was alluding to Mr. Canning, to Lord Plunket, who told them the Established Church was the essential bond between the countries, and that he would throw Catholic emancipation to the winds, if he thought that one of its indirect results would be to injure the establishment. He was speaking of Lord Castlereagh—of all who had not disguised their opinions, but had given the most solemn assurances that, by the removal of the disabilities they were only taking fresh security for the church. So much for that part of the question. With respect to any opinion which the noble lord might choose to express or maintain, as an individual member, he (Sir R. Peel) was not disposed to quarrel; but he had objected to the noble lord's speech, as being the speech of a minister of the Crown. That was what made it absolutely necessary for him to be equally explicit as to his views of the arrangements now making, and the light in which they ought to be taken. The noble lord must admit that the declaration of the noble lord, the Secretary for the Home Department, namely, that while he did not concur in his views, yet that the noble lord equally dissented from those of the noble lord (Viscount Howick), was in itself sufficient demonstration how absolutely necessary it was, to make those remarks, and to draw from the noble lord such a declaration. The noble lord (Viscount Howick) contended that it was perfectly right and absolutely necessary for all persons, at all times, to express their opinions, and yet he proved, in the course of his speech, that his rule might sometimes be infringed on, and that in all cases it was not appropriate for a minister of the Crown to be so frank. The noble lord said, that he had made up his mind to the future fate of the Irish Church, and yet they had it, on the noble lord's authority, that it would at present be highly dangerous to express any opinion on the subject. It appeared then that there might be occasions on which the expression of opinion ought to be dispensed with. The noble lord had also said, that the longer the people of Ireland could be persuaded to acquiesce in the present establishment, the greater would be the harmony of the empire. His fear was, that

the speech they had heard from the noble lord the other night, would disturb that harmony. He did feel, that when a minister of the Crown gave his opinion that the establishment was overpaid, that any settlement they could now make, would not be permanent, and that it ought not to be permanent—he did feel, that such a declaration, coming from a minister of the Crown, would materially interfere with the object the House had in view, namely, that the people of Ireland should acquiesce in the present settlement, and in the attempt now making to give to that country some prospect of order and tranquillity.

Sir Robert Peel's amendment was negatived, and the motion of Lord John Russell agreed to.

JULY 26, 1838.

Lord John Russell moved the Order of the Day for the third reading of the Bill, upon which Mr. D. Browne rose, and moved as an amendment that the bill be read that day six months.

SIR ROBERT PEELE said, the question we are now called on to discuss is this—whether we ought to vote for the third reading of this bill, or whether we should consent to the amendment proposed by the hon. member for Mayo. That amendment proposes to postpone the bill for the period of six months, and this is, in my mind, tantamount to a declaration, that the attempt that has been made for the settlement of the tithe question has altogether failed, and that there is no prospect whatever of our coming to an agreement upon any satisfactory principle upon which the future settlement of the tithe question can be made. This appears to me to be the effect of the amendment proposed to the House, and the proposition which this House would affirm by adopting that amendment. Now, then, Sir, the bill before the House contains two enactments, in both of which I concur. In the first place I fully concur in the future conversion of the tithe into a rent-charge. In the next place I fully concur in the transfer of the pecuniary burthen of tithe from the occupiers, who, in general, are Roman Catholics, to the proprietors and landlords, who, in general, are of the Protestant persuasion. I concur also—and concur most fully—in that enactment of the present bill, which sets at rest—and sets at rest for ever—the whole question of arrears; and so far as the operation of the bill is concerned, I think that setting aside the question of arrears, which might remain as an element of discontent, is, in itself, a very great advantage. Entertaining, then, those opinions with respect to the present bill, I find it impossible to assent to the proposition of the hon. Member for Mayo. Now, let me ask the House, if we consented to take that course, what would be the consequence? Why, this—if we rejected this bill, we should leave the tithe question not only in the state in which it has been for the last five years, but in even a far worse state; for, after the declaration of parliament, rejecting this bill, you would altogether exclude the prospect of any satisfactory settlement of the question whatever. From the views which have been expressed at the other side of the House in opposition to this bill, I am unable to infer any thing definite. One hon. member gets up and says, that he feels bound to oppose the present bill, because he is anxious to have this question settled upon rational grounds. Another gets up and says, that he will never consent to have this question settled upon any but a just principle. They deliver themselves thus of vague and indefinite generalities, but they will not condescend to tell us what they mean when they talk of having the question set at rest upon rational grounds and upon just principles. Indeed, Sir, I am surprised at the course that has been taken, and the ground on which the opposition to the third reading of this bill has been assumed. I had hoped, considering the length of time during which this question has been agitated, that men who felt bound to oppose it, would have done so upon broad and intelligible grounds. But, instead of this, we are met with some vague generalities—the expression of a wish that the question should be settled upon rational grounds and upon just principles. I ask hon. gentlemen, what they mean by these assertions? I can easily understand those who express a definite opinion. One hon. member stated, that he would be satisfied with no settlement short of the application of the voluntary system. Now, I thank that hon. gentleman for the candid and practical declaration of his opinion. I believe, that in the candid avowal of his, no doubt sincere opinions, that hon. gentleman will do more to place the

question on intelligible grounds than those who dissent from every thing they hear proposed, and ask nothing more definite than the settlement of the question upon just and rational principles. With respect to the principle of appropriation, about which so much has been said this evening, I shall say nothing whatever. I know full well, how easy it might be to raise impediments of pride, which might prevent any settlement of the question at all. I will merely say, that I have always thought, and still think, the adoption of that principle, in any legislative measure, is, in every way, calculated to prevent a practical settlement of this question. In referring to what took place in 1835, the settlement was then resisted, because one of the principles on which it was founded, was the appropriation principle; and I must say, that I am more and more convinced, by every successive debate on this question, of the justice and propriety of the course which I took in resisting the appropriation principle. I ask you, who resist the present bill, and demand the settlement of this question on just principles, to say, whether you now consider the appropriation principle a just principle. The hon. member for Sheffield had said, that principles ought not to vary with the position of parties, whatever they might do with the lapse of years. You tell me, that the appropriation principle would be rejected by the people of Ireland now as worse than useless, and I ask you to say, would that principle, which you tell me now would be rejected, have been just three years ago? In what did the justice of your principle three years ago consist? One of the grounds on which this bill is objected to is, that the settlement cannot be satisfactory, inasmuch as that the Church of the minority is greatly overpaid, as compared with the Church of the majority. Now, supposing this, how is it possible that, according to the views you express, you could have effected a settlement by deducting a limited sum from the revenues paid for the maintenance of that Church, and appropriating an indefinite surplus, at an indefinite period, on the grounds set forth at the time? Now, how can you assert, after what has since been stated, that such an arrangement would have given satisfaction? Where was the binding nature of the compact? What would there be still, even after having adopted that principle, to prevent the hon. members opposite, or any other hon. member, from attempting to establish the voluntary principle? I showed you, that it was a delusive settlement. By deducting one fifth, you acknowledged the principle, that you still retained, what were called enormous revenues, for the support of the Church of the minority. Now, was this calculated to strengthen the Church? Would the hon. member for Kilkenny acquiesce in that course? It was on the ground that I have stated, that I felt bound to resist the appropriation principle. I cannot understand those who say, they are anxious for a settlement of this question, and yet propose to reject this bill. I think some settlement of this question necessary, and, upon that ground, I give my consent to the present bill. I cannot understand public men who say: that they will support this bill, because they hope that it will increase the evils of the Church. I think it would be better for the noble lord to resist the measure altogether, than support it on the ground that it was calculated to accumulate the evils of the Church. I think, indeed, that it would be better for the noble lord to resist the bill, if he had made up his mind that the present arrangement was calculated to entail upon the Church more evils than those under which it already suffers. Neither can I understand the course pursued by the hon. member for Drogheda. That hon. gentleman says, "You may pass this bill, and I, as a member of the Established Church, will not originate any subsequent agitation; but if my poorer neighbours shall think fit to renew agitation, they shall have my co-operation." I can understand his scruples as a member of the Established Church against the commencement of agitation, but I cannot understand his feelings when he says, that if persons influenced by motives in which he has no participation, shall commence agitation, he will not only not lend his assistance in quelling that agitation, but that it shall have his co-operation. When the hon. gentleman says, that his whole object in supporting this bill is to put down agitation, I confess I cannot understand the meaning of this public notice, that if the peasantry shall think fit to recommence agitation, they may know where to find a colleague. Sir, this bill, which we are now called on to read for the third time, includes three enactments—first, that Irish tithes shall be converted into a rent-charge, this enactment to be applied universally, wherever the case may require it;

secondly, the arrears of the million are to be remitted; and, thirdly, it deals with the existing arrears, which are not covered by the million, and provides that a grant shall be made by parliament of £300,000, by which grant that class of arrears shall be altogether extinguished. Concurring, as I do so much, in some parts of this bill, and deeply anxious as I am to see this session close with some successful attempt at the adjustment of tithes on just principles—the principles of relieving the occupying tenant, and transferring the charge to the landlords of Ireland—no opposition I could give to a single clause would induce me to withhold my assent to the third reading. I think, as I said before, it would amount to a parliamentary declaration that, after five years of anxious consideration, the adjustment of Irish tithes was found to be impracticable; and that attempts for the recovery of tithes must be immediately renewed, as all hope of assistance from parliament was hopeless. In my opinion, also, the evil would be greatly aggravated by the late approximation of opposing parties, and the failure of their united efforts. For these reasons, nothing but the strongest objections to parts of the bill at this late period, would induce me to abandon the hope of seeing it become law. But the bill before the House being very much in conformity with that which I supported on a former occasion, and as I feel that the settlement of the tithe question has not been at all affected by anything that has occurred since, I am naturally disposed to view with favour the adjustment of the tithe question in the present case. For these reasons, I shall support the third reading, and most earnestly resist the motion of the hon. gentleman opposite. There is one enactment of the bill, however, to which I do not assent. The enactment to which I refer is that which provides, that on the grant of £300,000 being made, all claims for arrears of tithes on the occupying tenants shall cease. Since this bill was first introduced important modifications have been made, the first and most important of which, in my opinion, is, that whilst all claim on the instalments have been relinquished, and the occupying tenantry relieved from all obligation to pay the arrears, I think that the provision was founded in justice, and I cordially rejoice to see it incorporated in the bill. Another modification has been introduced into the enactment, which relates to the existing arrears. At first, the compensation granted was only intended to be in lieu of the arrears which have occurred within the last two years. I decidedly objected to that proposition, as I thought it most unjust that parliament should interfere to prevent those to whom the arrears were due for the first four years receiving any compensation; and I believe the bill has been altered so as not to exclude that class of claimants from compensation; and I do not say, that they are to receive an equal compensation to those of the last two years, but a proportionate one for the arrears they are called on to abandon. By this means, the rights of no parties, whose claims are to be extinguished by the legislature, will be called on to abandon those rights without at least some compensation. The state of the law will then be this—that all those that have commenced suits for the recovery of tithes before the 16th of July last, will have the option of continuing their law proceedings. With them, there shall be no interference; but, if they think fit to do so without payment of costs, they shall be entitled to their share of the compensation intended by the bill. I apprehend that is the right construction. The violence thus done, when it is done, is in that class of arrear not covered by previous advances out of the million, and in which the parties have not instituted suits for recovery. Now, I am bound to state and to maintain my opinion with respect to this. After my best consideration, I think that my proposal was the best in every respect. I think the proposal that gave an option to parties to accept the offer made by government, or to enforce the law in cases where they thought fit, I think that proposal protected a great principle, and was every way better than the course which has been adopted. Sir, I admit that there is considerable force in the argument of the noble lord, in which he maintains that on the whole the option would not be very desirable. If the offer should be accepted by seven clergymen in each diocese, and the arrear insisted on by one, I am perfectly ready to admit, that this option would not be perfectly unrestricted, but at the same time we must recollect that in this case, although there might be moral obligation, there would be no legal compulsion. The principle would be maintained, so that in cases when the circumstances of the occupying tenant were as good as those of the landlord, in cases, for instance, when his rent amounted to £500 or

£1,000 a-year, and where such tenant should prove contumacious, the arrears might be recovered, I see no reason why government, in such cases as these, should not reserve to itself the power of vindicating the authority of the law. By this means the other alternative, that of making past resistance effective, would be avoided. At the same time, having taken the sense of the House fairly on the subject, I have done all I could to enforce my proposal by repeated argument; but I have been overruled by hon. gentlemen opposite: nor have I the slightest reason to believe that, if I were again to propose it, I should meet with any better success. Supposing the optional principle, then, defeated, I certainly wish that government, in adherence to their own principle, would adopt a course like this, that if they are determined to apply compulsion, and to deprive parties of their legal remedy, at the same time granting compensation, they should ascertain the full amount of arrears, really due. Even suppose it is their intention to give but seventy-five per cent. on the amount of the arrears, or any other per centage, still it is necessary to ascertain the exact amount. I am perfectly willing to admit, that at this advanced period of the session there are many obstacles in the way of ascertaining the exact amount, and I deeply regret that we did not take the matter into consideration at an earlier period, as the arrangement would have been more satisfactory to all, if we had been enabled to know the amount of property with which we had to deal. I am bound to say there is great difficulty in coming to a satisfactory conclusion, and the hon. gentleman opposite will recollect that when I resisted the exclusion of the clause as proposed by him, I did so for the express purpose of closely considering the pecuniary claims of a party, which, in my opinion, was suffering grievous wrong, and which I was anxious to protect from any further injury. I have taken the best means within my reach to come to a right decision on this subject. I have had, unfortunately, to consider the question unassisted by the natural representatives of the Irish Church, and I can only say that I have come to the best decision within the scope of my judgment for the individual interests of the Irish clergy, and the permanent interests of the Irish Church; and I now declare, in perfect unanimity with the opinions of those most interested, that from the many conflicting judgments and the extreme difficulty of the whole question, I cannot take upon myself the responsibility of rejecting altogether the proposal of the government. That proposal is, that all advances hitherto made from the million shall be remitted, and that a further sum of £300,000, shall be granted for the purpose of giving some compensation in lieu of existing claims. Suppose I rejected the offer now made, I cannot foresee the course government might take with respect to the remission of the instalments already paid. They might say, if the arrears are to be enforced, why not the instalments? I believe it might be competent to us, by uniting with such hon. gentlemen opposite as entertain principles very different from mine, who object, on principle, to any grant on this question—I dare say that, by uniting with them, I might possibly have excluded the clause, and by deciding it should have determined that under no circumstance whatever should the assistance of the treasury be offered for the settlement of tithe. I think that such exclusion would be tantamount to a declaration that parliament positively refused all interposition. If, therefore, I had voted with the hon. gentleman, as I might have done, I should formally and irrevocably have decided the question. [Mr. Hume: Not if you accede to the reform of the Church.] If the hon. member mean by reform of the Church, the abolition of sinecures where such exist; if he mean the abolition of pluralities on the system pursued in England; if by reform of the Church the hon. member mean an equalization of incomes, all I can say is, that to all that I shall most willingly agree, in as far as it will not interfere with the integrity of what still remains of the property of the Church. More than that I will not consent to. But I will not consent to the alienation of Church property. I will not consent to any violation of the principle of an establishment—but this I will do, that if you prove to me that in Ireland there are districts where the working minister is badly paid, and that there are other districts in which he has too much, I will consent to equalization, and I do so with no other view than to effect what will best conduce to the spiritual and temporal interests of the Church. I will consent to what I call true reform; that is, such appropriation of the Church's revenues as shall make sure that in every district the wants of the Protestant population shall be adequately provided for. As I said

before, if I excluded this clause I should for ever shut out the prospect of compensation, but by consenting to it I do not finally determine on its merits, but refer it to another branch of the Legislature, well competent to decide on questions in which the Irish Church is concerned, and where that Church is fairly represented. That branch will decide this great question, whether the emergency is so urgent, or the circumstances so special, as, on the whole, to justify the violation of the principle of property. I will not shrink from frankly declaring my own opinion. I think, from what we know of the position of the Irish clergy, that, if this clause were now excluded, their situation would be extremely painful. I cannot exclude from my consideration the whole circumstances—I cannot exclude from it the position of the clergy with respect to government—and I must say, that the opinions we have heard expressed by members of the government increase the difficulty. My own opinion is, that active interference on the part of government, backed by a determination to enforce the law, would be completely effectual. But, at the same time, I cannot omit from my consideration that if government does not entertain this opinion, and that some members of it profess an opposite principle, it will be exceedingly difficult to enforce the rights of the church. Independently of this, I must consider the individual wants of the Irish clergy, and the permanent interests of the church. If I reject this offer, I leave the clergy in this position—I shall have converted composition into rent-charge, and thus have implied on the part of the legislature, that the present system is defective, and thus be throwing another obstacle in the way of recovery of arrears. I should be telling the clergy that all hope from the public funds was futile, and that, therefore, they had no other resource for the recovery of their arrears but an immediate enforcement of the law. In cases where arrears have lain over for four years—observe, not in the cases where suits have been instituted—if I object now to any offer for the settlement of the question, I cannot conceal from myself that, in the South of Ireland, any attempt to enforce the tithe would be attended with extreme difficulty. So much for the individual interests of the clergy. For the general interests of the church, I should say, that the new system admits conversion into rent-charge, under circumstances most likely to prejudice those interests. In the north of Ireland the landlords have already undertaken the collection of tithes, so that it is in the south the new law will principally operate. In the south the arrears are due. I should then have contemporaneously a conversion of composition into rent-charge, and a general appeal to the law. Under such circumstances I fear, that the prospect of a permanent settlement would be greatly diminished if I were to compel the clergy to resort to law. As I said before, I object to this provision. I wish it were more liberal—that it were possible for the noble lord opposite to give a somewhat larger equivalent. I retain all my objection to the principles involved in this clause, namely the abandonment of legal right, and a refusal to enforce the law; but after conferring with those best qualified to judge, and having had no opportunity of conferring immediately with those interested, finding no one willing to take upon himself the responsibility of rejection, I am placed in the painful situation of being obliged to select amongst the numerous existing difficulties the one least pregnant with danger to the interests I am desirous to protect. I cannot, therefore, consent to the total exclusion of the clause from the bill—I cannot altogether abandon the hope of a pecuniary provision. I therefore consent to the clause, thinking that the principle is not finally determined by its adoption on the present occasion. I think I shall merely be giving time for further communication with Ireland, and enabling the other branch of the legislature to determine what, on the whole, under existing circumstances, is best to be done with this question—whether it would be better to leave the law as it stands, to give the parties their legal remedy but no compensation, or to accept for the Irish Church the government proposal. I therefore will not oppose this clause. It would, perhaps, be more satisfactory for me to refrain from passing an opinion, but I never will take the plan of absenting myself from the House, and I therefore do not hesitate to say, that if the hon. gentleman press his amendment, I shall vote against it and in favour of the clause.

Bill read a third time.

## MUNICIPAL CORPORATIONS (IRELAND).

August 2, 1835.

Lord John Russell moved the order of the day for taking into consideration the Lords' Amendments to this Bill. Amendments read a first time. The noble lord, previous to moving that the amendments be read a second time, proceeded to an able analysis of them, and stated his conviction that the Bill, in its present shape, could not be accepted by that House. He trusted the House of Lords, when they came to reconsider it, would consent to establish the municipal franchise in Ireland upon the same principle as it already existed in England and Scotland.

SIR ROBERT PEELE would have been perfectly content to discuss the merits of each of the amendments proposed by the Lords upon the individual clauses which contained them; and he could not help thinking, that that course would have been infinitely better than the one taken by the noble lord. The noble lord, however, had adopted a line of proceeding which precluded him from taking the course which his own sense of expediency and justice would have dictated, and had enlarged in undue, unjustifiable, and he thought unwise, sarcasms upon the authors of those amendments—sarcasms which, however they might have been intended, were calculated, if possible, to throw obstructions in the way of the settlement of this important question. The noble lord began his speech by a sarcasm upon the House of Lords for having changed their opinion with respect to Irish corporations. The noble lord began by stating, that the lords had heretofore withheld corporations from Ireland because the people of Ireland were not fit to have them. The noble lord put the ground of withholding corporations, not upon the true ground, that the Lords, seeing the state of society in Ireland—seeing the conflicts of party there—did entertain an opinion that, while they were willing to relinquish the old corporations, they were not, upon the whole, willing to establish new ones. He thought, therefore, that the noble lord, under any circumstances, should have spared his sarcasms upon those who had shown a desire to conciliate the national feeling of Ireland. When he recollected the changes of opinion which had taken place with respect to Irish measures—when he recollected the opinions formerly given with respect to the poor-laws by some gentlemen who were now the most strenuous opposers of them, and who thought the establishment of poor-laws in Ireland a sufficient justification for the repeal of the union—when he mentioned the discussions which had taken place with respect to the Irish church, and the course—he thought the wise course—which the noble lord had taken in receding from the opinions he had formerly maintained upon that subject—with all these things fresh in his recollection, he thought that the noble lord was the very last person from whom a sarcasm might have been expected upon those who, for the sake of peace, had been willing to make a sacrifice with respect to Ireland. He denied that the noble lord had given a just description of the bill which the Lords had sent down, and the noble lord had misrepresented, not only the general purport of the bill, but almost every clause that the Lords had amended or added. In the first place, the noble lord said, “The Lords have no longer persisted in their original opposition to the principle of corporations, but have sent down a bill, allowing that in some towns there may be corporations.” He asked, whether those words gave a just description of the bill which the Lords had sent down? So far from “allowing” corporations to certain towns, the purport and effect of the bill was this, that in eleven of the principal towns of Ireland there should be no discretion whatever. It made it obligatory upon those eleven towns to have corporations. Did the noble lord’s remark hold good with respect to other towns? Did the “allowance” of the Lords extend only to certain particular towns? The bill as amended by the Lords allowed every town in Ireland, which had 3,000 inhabitants, to apply for a charter of incorporation; and if in any of them, whether now possessed of corporate authority or not, a majority of the £10 householders should think it for the advantage of the town either that the old corporation should be continued, or that a new corporation should be constituted, in that case there was full authority given to the chief governor of Ireland to accede to the wishes of the inhabitants, and to continue the old corporation, or constitute a new one, founding the corporation, in either case, upon the self-same principles as those which

were applicable to the eleven towns peremptorily incorporated by the bill. The noble lord then proceeded to comment upon the changes which had been made in the bill since it was sent up to the Lords from the Commons, and he said, "No less than ninety-two new clauses have been inserted in the bill which is now sent down to us." In reply to that he must remark, that the Lords had incorporated in the present bill the whole of the boundary bill of the government. And what were the authorities by which the boundaries, as adopted by the Lords, were defined? They were the commissioners appointed by the noble lord himself. The noble lord sent forth his commissioners, gave them their instructions, and they established these boundaries; and the Lords, content with the definitions of boundary contained in the report of the commissioners, consented to adopt them, but thought it would be better that they should be embodied in the bill relating to corporations rather than be made the subject of a separate measure. The noble lord made that an objection; but, if he mistook not, the noble lord at the head of the government distinctly and explicitly declared, that he thought this incorporation of the boundary bill with the present measure an improvement. This, therefore, accounted for the addition to the number of clauses. The House had, in fact, before it two bills instead of one; and he could not but think it expedient, when new corporations were established, that the boundaries of them should be defined in the measure which gave them their existence. In other respects, the Lords had only introduced such clauses as were necessary to give effect to the general outline which, some weeks since, he (Sir R. Peel) had sketched, as the basis upon which he thought it possible that the party with which he was connected might consent to the establishment of corporations in Ireland; and he must say, notwithstanding the altered tone which the noble lord, for some purpose or other, assumed upon the present occasion, that when he first stated that scheme the noble lord did not make the same objections to it; nor were those objections made by any one at that time. Then, perhaps, was felt the extent of the sacrifice which gentlemen on his side of the House, were making—the number of conflicting opinions which he had to conciliate—the prejudices and feelings which he had to overcome; and then it was the impression of the noble lord, and the general impression also of the ministerial side of the House that he had gone further than could have been expected for the purpose of coming to a settlement of the question. At any rate, so strong a difference of opinion was not then expressed by any member of the government. But the noble lord's objections and complaints did not end with the introduction of the clauses which were absolutely necessary to carry out the scheme which he had opened. The noble lord said, that considerable time was taken by the Lords in discussing the Poor-law bill, but that no sufficient time was taken by them in discussing the provisions of the Municipal Corporation bill. Whose fault was that? Whose fault was it that the Irish Municipal Corporation bill was sent up to the Lords on the 26th of June? By whom was it that the day for the coronation of her Majesty was fixed for the 28th of June, being the very time when it must have been known beforehand, that the attention of parliament would be indispensably required to all the most pressing and all the most important business of the session? Who did not know, with the invitations which had been given to every nation in Europe to send representatives to do honour to the sovereign of England, and with the natural desire which men of all classes would naturally feel to do honour to those who came to do honour to the Queen—who did not know that, at such a time, it would be difficult, or indeed impossible, to direct the undivided attention of parliament to the business of the session? Therefore, those who fixed the coronation for the 28th of June, and sent up the Irish Corporation bill to the House of Lords on the 26th of June, were the parties who were responsible if this bill had not received the mature and deliberate consideration which the noble lord deemed necessary. But whose fault was it that the amendments were not more fully discussed in the House of Lords? Those who proposed amendments to a bill, naturally expected that the objections to those amendments would come from the persons who dissented from them. It was not usual for those who proposed and supported an amendment to object to it also, for the sake of raising a discussion. Certain noble lords proposed amendments to give effect to a scheme, to the general outline and principle of which they hoped there would be no insuperable objection. Why did not the noble lord's colleagues in the House of Lords consider those amendments more fully? If they were defective in point of legal detail, where



was the Lord Chancellor and the other high legal authorities? Why did they not consider the propositions which were made? Was not public notice given, that in committee new clauses would be moved? Whose duty was it, then, to be ready to discuss every portion of the measure, to defend that which they believed to be good, and to resist to the utmost every innovation or every addition which they believed to be bad? If blame were to attach any where for not giving sufficient attention to the bill, upon whose head should it fall? But this was not all. If the objections to the amendments in the measure were really so strong as the noble lord had stated them to be, why did the head of the government move the third reading of the bill in the other House? Why did not the noble premier refuse to move the third reading of the bill until the clauses were amended, and the measure moulded into the form in which he wished to see it? Upon these two points, therefore—first, the number of additional clauses incorporated with the bill; and secondly, the want of sufficient attention to the details of the measure—upon each of those points the sarcasms of the noble lord appeared to him to be perfectly unjustifiable. He now came to speak of a class of clauses in respect to which the noble lord had founded a grave charge against the House of Lords. The noble lord said, “I will now enumerate a long list of clauses, in the insertion of which I will endeavour to show you a lurking desire on the part of the Lords to vitiate the merits of the bill, by retaining for the present corporations all the powers which it was possible for them to maintain, and to throw disrespect and censure upon the new corporations, by withholding from them the functions which properly belonged to corporate bodies.” The noble lord justly said, that he viewed this part of the bill with great suspicion. The comments which the noble lord made upon these clauses convinced him that his mind must indeed be tainted with suspicion! He did not know who was the *Iago* who had been pouring this poison into the noble lord’s ear; but he certainly had never seen a gentleman in public life labouring more strongly than the noble lord did under the pains and pangs of jealousy. To show the degree of that jealousy, it would only be necessary for him to mention the construction which the noble lord had put upon several of these clauses; he would take the fourth clause of the amended bill. By that clause the noble lord charged the House of Lords with the intention of retaining to the freemen of certain towns in Ireland, and particularly to the freemen of Dublin, certain privileges beyond those to which they were entitled under the bill for the reform of the representation. Now it must be observed, that a great part of the objections which the noble lord had taken to the amendments of the House of Lords, applied with equal force to his own bill; but he had been so blinded by suspicion and jealousy, that in attempting to put an injurious construction upon the amendments of the Lords, he had involuntarily wounded himself, and exposed his own course of policy to exactly the same construction. He disclaimed altogether, on the part of the Lords, any intention whatever to reserve to the freemen of Dublin, or of any other city or town of Ireland, any privilege which they did not at present possess. It was admitted that the rights of the freemen ought to be preserved, and that they should not be made dependent upon the fact of whether there was a corporation or not. It therefore became absolutely necessary, according to the scheme of this bill, to provide, that in the towns incorporated the rights of the freemen should be preserved. The noble lord did not state the words of the clause upon which he relied as showing the animus of the Lords; and he (Sir R. Peel), on reading the clause carefully over, confessed he was at a loss to discover any words which substantially differed from those employed by the noble lord himself.

Lord J. Russell: the words upon which I founded my remark were these—“or might hereafter have been entitled.”

Sir R. Peel begged the noble lord to take care; for the words to which he objected, and upon which he now declared his remark had been founded, were in fact his own. [Lord J. Russell: No, no!] These were the words of the clause as proposed by the noble lord, and as they stood when the bill was sent up to the House of Lords:—

“And be it enacted, that any person who now is or hereafter may be an inhabitant of any borough, and also any person who has been admitted, or who might hereafter have been admitted, a freeman or burgess of any borough, if this act had not been passed, shall have and enjoy, and be entitled to acquire and enjoy, the same share and benefit of the lands, &c., of which any person in any body corporate may on

seized or possessed for any charitable uses or trust, as fully and effectually as he or she, by any charter, statute, &c., in force at the passing of this act, might or could have enjoyed in case this act had not been passed."

He was only showing the injustice of the noble lord's observation with respect to covert and secret intentions on the part of the House of Lords. If there were any equivocal words introduced into the amendments of the House of Lords, he had no hesitation in disclaiming any intention of procuring for any freemen any privileges to which they were not entitled under the Reform Act if this bill should not be passed. He therefore did not despair of coming to an amicable arrangement with respect to the 4th clause. He presumed it was impossible for the noble lord to reinstate his own clause after having discarded it with contempt. Then with respect to the powers reserved to the old corporations. The noble lord had said, that the old corporators were maintained in possession of important municipal functions. He did not find in the bill any municipal functions to which the old corporators would hereafter be entitled. He found a distinction made between charity trusts and municipal trusts; and there was a different provision made with respect to trustees of charities in case they should be corporators, than that which was made with respect to ordinary municipal corporators. But here again the noble lord, in his own bill, made the same distinction, for he did not propose to devolve the new charity trusteeships upon the new corporations. He established a distinction between municipal functions and charity trusts, and in his own bill the noble lord provided, in the case of a trust of a charitable nature, that the existing trustees, being old corporators, should be maintained for a certain time, at the expiration of which the Lord Chancellor should proceed to appoint new trustees. He admitted there was a difference between the amendment introduced by the Lords and the provision of the noble lord. The House of Lords thought it highly important, that the whole question of charity trusts should be reserved for future consideration, and they therefore gave to the Lord Chancellor the power of filling up all vacancies that might occur; but they had not given him the power which the noble lord contended he should have, namely, the power of absolutely appointing the whole of the trustees. He, for one, would readily consent to any arrangement which could prevent charity trusts being perverted to political purposes. But it was his duty to say—and he did not shrink from saying it—that parliament having made a provision with respect to England, that the Lord Chancellor should have the power of appointment, he was not satisfied with that arrangement; that he did believe that political feelings had, in some cases, influenced the appointment of trustees; and that on that account he dissented from the proposal, that on a certain day the Lord Chancellor of Ireland—he being himself, of course, a partisan, and immediately connected with the government—should have the power of appointment. Another arrangement would be more satisfactory to him, which should provide a greater security against the appointment of trustees being perverted to political purposes. He knew it had been said, that under the pretence of retaining the power over charity trusts to the old corporators for a certain time, they had gone much further, and had included trusts which were not of a charitable nature. He could only disclaim any intention of so doing. The noble lord had referred to Clause 75. He was perfectly willing to admit that that clause as it stood at present was open to question. But the noble lord did not permit them, in the House of Commons, to come fairly to the discussion of that clause; but fastened on certain words in order to create suspicion against the House of Lords. The beginning of the clause ran thus:—"That in every borough named in the said schedule (A) in which the body corporate solely, or together with any other body or bodies corporate, or person or persons, is or are trustee or trustees for any purposes other than charitable uses or trusts." These words certainly appeared to imply, that the old corporators were reserved as trustees for all other trusts beside charity trusts. But he could only state that immediately the bill had passed the House of Lords the error was discovered; the clause having been copied from the bill of 1836. He held in his hand a copy of the bill, given to him some days ago, having this note written in the margin opposite the first and second lines in page 43:—"These words should have been omitted. The clause was copied from the bill of 1836." If, therefore, the noble lord had not stated the objection, he (Sir Robert Peel) was prepared with an amendment to clear up any doubt that might have existed on that

point. The noble lord had stated that the word "charity" bore a technical sense, and that under that word they would in point of fact include a public institution in Dublin, which was called "The pipe-water." He could only say, that there was no such "covert design" on the part of the House of Lords, and that those "crafty men" never considered that under the word "charity" they were confining the pipe-water trust to the old corporation. If the word "charity" was a term which legally included other kinds of trusts than those really contemplated by the House of Lords when passing this clause, he would consent to any amendment which would exclude any institution which partook of the nature of a municipal rather than a charitable trust. The next point the noble lord adverted to was this:—he said, that a great alteration had been made by the House of Lords in that clause which defined the purposes to which the property of the corporations should be applied. "In England," said the noble lord, "you had confidence in the new corporations, and gave them the full control of the funds of the corporations; but in Ireland you adopt a different principle, and limit and define the purposes to which the surplus revenue shall be applied." But what did the noble lord do? He provided that in all boroughs the property should be held in trust for the payment of all municipal expenses which should be necessarily incurred for carrying into effect this act, and that in case the borough fund should be more than sufficient for those purposes—of course the House would suppose that the noble lord then provided that the new corporations (taking a comprehensive view of the public interests of the borough) should have the entire and exclusive control over the funds; but so far from making any such arrangement, the noble lord expressly provided that in every case, except in the city of Dublin, the surplus property of the corporation should not be applied towards such purposes as the corporation should deem for the benefit of the town; but that in the first instance it should be applied towards paving, cleansing, and lighting the streets of the said borough, and towards supplying the inhabitants with water. These were the suggestions of the noble lord himself, thus prescribing the objects to which the surplus fund should be applied. Now, the House of Lords retained those words of the noble lord, and the only alteration they had made was this, that the principle which the noble lord thought good for every town and city in Ireland except Dublin, should be applied also to the city of Dublin itself; and that, instead of the surplus funds of the corporation of Dublin being applied to political purposes, they should be applied to municipal purposes. That was the only difference between them and the noble lord, and that the only ground on which the noble lord charged the House of Lords with the crafty and covert design of spoiling this bill. When he on a former occasion called upon the House to support him in requiring the surplus funds to be applied to public purposes, all he could say was, that the principle at that time met with the unanimous assent of the House. He now came to clause 97, and in commenting on that clause the noble lord lost all self-possession. "Mark (said the noble lord) the subtlety of the House of Lords! Both the House of Lords and the House of Commons have condemned the existing corporations, both have joined in enactments which imply suspicion of those corporations, by tying them up in the disposal of their property to certain purposes; but still the Lords have introduced into this bill a clause which shall enable them, during the interval that must elapse before the old corporations can be extinguished, to deal absolutely with this property, and apply it to other than municipal purposes." He never was more surprised than when he heard the noble lord make this remark. For what was the fact? The House of Lords intended this power to apply only to the new corporations, and not to the old. They never meant to give the old corporations any power over this property which they did not possess by the bill before the amendment was introduced. If, therefore, they had given it in words, he for one would consent to alter it. Finding among the amendments in the English Municipal Corporation Act one to this effect, that they might provide new securities for old debts, the House of Lords thought it desirable to apply that principle to the new corporations to be established. Whereas, in the new corporations in England, it was made lawful for the council to execute any deed in the name of the body corporate for securing the repayment of any debt contracted by the said body corporate before the passing of the act; therefore it was thought that a similar power should be given to the new corpora-

tions in Ireland; and the noble lord had construed this into an intention to enable the old corporate body to part with the property. That he, and those with whom he acted, should ever be parties to introduce a clause, or even support a clause, which should enable the corporations to do that which they all had consented should not be done, was an imputation which he did not think it worth while to reply to. The next point to which the noble lord adverted, was the 108th clause, and so imperfectly had the noble lord read the clause, that he stated, the Lords had thereby given the town-clerks of the existing boroughs a life interest in their offices. They did no such thing. They did not retain any officer where there would be a new corporation; all they did with respect to them was, as in the English act, to provide compensation. They gave the new corporations the power of appointing new officers. It was not right, therefore, to say, that the Lords had fastened the old officers on the corporations. But they made this provision, that whereas there might be places in which the old corporations might be dissolved without any new corporations being formed, and in which certain duties might be required to be performed, in that case the House of Lords provided, that those duties should be continued to be performed by the present officers. Did that course deserve the character given to it by the noble lord? The noble lord next referred to the police. He certainly understood, that the proposal which he himself made was acquiesced in, and particularly by the hon. and learned member for Dublin.—namely, that as there was a constabulary force under the Lord-lieutenant of Ireland, and as there was no distinction made between a night and day force, there was no reason for constituting a separate constabulary force for the night in the corporate towns under the name of police. The House of Lords had, therefore, merely omitted the clause which enabled the town-councils to appoint a separate force. But said the noble lord, “You are depriving the municipal corporations of all their legitimate functions by preventing them from having a police.” What was the noble lord himself doing in Dublin? He was transferring the whole police of that city from the corporation to the lord-lieutenant, and he was going to pursue precisely the same course in the city of London. The noble lord contended, that it was desirable that the police force, which was intrusted with the preservation of the lives and property of the inhabitants of the country, should be under one controlling power, not liable to be disturbed by party and political prejudices; and he was accordingly about to propose, that the police of the city of London should be transferred from the corporation to the general government of the country. Then, again, he found fault with the House of Lords for including the Boundary bill in this municipal bill. But the very instructions which the noble lord gave to the boundary commissioners had been incorporated by the Lords, as the rule which should govern any future arrangement. How was it possible to go further with the government on that head, he could not imagine. The House of Lords adopted the principle of the noble lord himself, and yet his charge was, that, like factious and crafty men, they had sought to deprive the bill of all recommendation. Next, with respect to the alteration relating to the appointment of sheriffs. The noble lord also objected to this. He could only say, that he adhered to his own opinion, and thought it infinitely better that the lord-lieutenant should have the sole responsibility, and should be the sole judge who should be the sheriff, instead of that officer being appointed by the local authorities, whose appointment, after all, he might reject. The noble lord had said, that the machinery of the bill was cumbrous with respect to the commissioners. No doubt, in the first instance, the provisions of the bill on this head might be open to that charge; but if the Lords had not provided for the exercise of the powers of the commissioners, he was perfectly certain that they would have been accused of haste in not making such a provision. He now came to the most important point, which he had reserved for his last remarks—he alluded to the franchise. If he understood the noble lord correctly, he proposed to leave the bill as it now stood, with respect to those towns which were not to be incorporated by the bill, and that he should not object to give the majority of £10 householders in those towns which either have had, or never have had corporations, the power to apply for charters of incorporation, nor should he object to the appointment of commissioners, to be elected by the inhabitants for the management of the town, should they prefer it to a corporation. As the towns had the power already to apply for the benefit of the

9th of Geo. IV., he thought it better to leave each town to determine whether they would apply for it or not, rather than to enforce it upon them. But the noble lord had declared his intention of moving an amendment with respect to the franchise, and he (Sir Robert Peel) felt it incumbent upon him to take a similar opportunity of declaring, that it was his intention to dissent from any amendment which the noble lord might propose on that part of the measure. He was perfectly ready to defer the discussion of this question to the time when the noble lord should make his proposition. He had the strongest confidence in the justice and force of reasoning by which he should be enabled to contend, that if they were to have a £10 franchise at all, the suggestion made in the House of Commons, and adopted in the amendment of the House of Lords, was infinitely fairer, and more analogous to the practice in England, than that which the noble lord proposed. He must complain of the comments which the noble lord made on the course which he (Sir Robert Peel) took, when the bill was originally before the House of Commons. The noble lord had said, that the Lords had rejected the franchise he had proposed. Now, surely the noble lord must be aware, when it was said that they were about to establish a different rule in Ireland than in England, and when by Mr. Poulett Scrope's Act they were about to make an allowance for the repairs which ought to fall upon the landlord, and for the amount of the insurance—the noble lord must surely recollect that on that occasion he declared, that the difference between him and the noble lord was upon the question of landlord's repairs and insurance, and that he professed his entire readiness to remove that objection. It might be asked, why did he not propose it while the bill was before the House? Because he felt that the proposal of such amendment at a time when there was so much angry discussion, would not have met with that calm dispassionate consideration which it deserved, and he feared that it would have been rejected without any regard to its merits. But an indication to adopt an amendment of that description was thrown out, although he abstained from making any motion upon it. Was it not distinctly avowed by his hon. and learned friend the member for Exeter (Sir W. Follett), and himself, that if they could find out a distinction between the franchise in England and the franchise in Ireland, they were ready to make such provisions as that distinction required? The noble lord had laid down doctrines with respect to the franchise of a much more extensive nature than he now proposed to apply. On this point there was an irreconcilable difference between him and the noble lord. If he understood the noble lord, what he contended for was this—that the parliamentary franchise meant the amount which the occupier paid in respect of the premises he occupied. Thus, for instance, if a man paid £8 a-year for his house, and £4 a-year for taxes and rates, that in that case he had a fair right to be considered a £12 occupier. [Lord John Russell: Not for the parliamentary franchise.] Very good. But what he contended for was this, that the parliamentary franchise in England and Ireland meant this; the payment of at least £10 a year by a solvent tenant to his landlord, coupled with the payment by the tenant of all such rates and charges as properly belonged to the tenant to pay. The Irish Act, any more than the English Act, did not require the payment of £10 altogether in respect to the premises which the tenant occupied, but it required the occupation of premises, the value of which was £10 or more than £10, the tenant paying the rates and taxes which properly belonged to him. He proposed to introduce in the English Municipal Corporations bill the parliamentary franchise of England as the test of the municipal franchise; and he also proposed to introduce the parliamentary franchise of Ireland into this bill as a test of the corporate franchise there, with the rating, as a check against fraud. By the act of Mr. Poulett Scrope, in determining the net annual value for rating, they made an allowance by law which was not in practice made before, namely, that there should be added to the net annual value of the premises, in respect to which the rating took place, such a sum for landlords' repairs and for insurance, as upon the average of years should be required for the purpose of keeping the premises in a state of repair. They were told that they ought to give the Irish occupier the benefit of the deduction made by act of Mr. Poulett Scrope in the case of English occupiers. They were at that time aware that, according to the practice in Ireland, it was not the landlord who bore that expense. Yet he and his friends said, that they were perfectly willing to make the Irish tenant an abatement from the £10 franchise of the amount of the

landlord's repairs and insurance. The amendment, therefore, which had been introduced by the Lords, was one which was suggested by him and his friends,\* when the bill was passing through the House of Commons. In practice, a certain per centage was not taken, but it was required in each case, that the amount of the landlord's repairs and insurance should be estimated; and this was more consonant to the English practice—the principle by which the noble lord professed to be governed—than to take an average sum which would not be applicable in many cases. The noble lord had made this proposition—that whereas the franchise might in some cases depend upon a house singly, and in other cases it might depend upon the possession of a house and land, he proposed that, in the case of both these qualifications, the amount of the reduction should be the same. Now, in England the reduction in respect to land was not more than  $2\frac{1}{2}$  per cent.; whereas, in respect to houses, the amount of the reduction differed materially. But the noble lord said, he would make no difference between houses and land. This he contended would be unjust in its effects, and he for one was resolved to stand upon the franchise as consented to in substance by this House, and which was included in the amendment of the Lords, there being no difference between the Lords' amendment and what was suggested by him in point of principle. He would not enter further into details at present; but he had been forced into the consideration of those details by the speech of the noble lord; not that he felt that he could not answer the noble lord when he should come to deal with the details, but he had adverted to them now, because that the noble lord had made a speech in a spirit which implied that the House of Lords had been actuated by a feeling of injustice, and an unfair spirit in making these amendments; and that, while professing to give effect to the principle as laid down by the bill, they had intended and contrived, by the abuse of the details, to deprive the bill of all its advantages, in respect to the practical benefit of settling these Irish questions in a spirit of conciliation and compromise. My opinion (said the right hon. baronet) is, that the Lords have acted in a perfectly fair and honest spirit, and that, believing the general plan which I proposed did not meet with any insuperable objection on the part of the government, the noble and learned lord who proposed these amendments, intended to give effect to it, and no more. The charges, then, of the noble lord against the House of Lords, in respect to each of those amendments, are thoroughly and utterly without foundation. I know not what course the noble lord intends to take; I know not whether he means to reject this bill altogether, and prevent the settlement of the Irish questions, thus keeping alive one great source of discord in this House and in the country; I know not whether that may be the result of our proceedings; but this I know, that at the expense of great misconception, at the expense of great personal abuse, at the expense of great sacrifice of private feeling, I have honestly and zealously laboured, in conformity with the principles I have laid down, to bring these questions to a settlement, and I shall deeply regret if my attempt shall fail; but I shall not hold myself, or those with whom I am acting, responsible in the slightest degree for the consequences of that failure.

Amendments read a second time.

A number of clauses were then inserted, the remainder of the Lords' amendments disposed of, and a committee appointed to draw up reasons for dissenting from the Lords' amendments;—to be stated in a conference with the Lords.

## ADDRESS—ANSWER TO THE SPEECH.

FEBRUARY 5, 1839.

The Royal Speech having been read, and Mr. E. Buller having moved an Address in reply,—Mr. T. Duncombe proposed as an Amendment, to add the following words at the end of the Address:—"And to assure her Majesty, that as the amendment of the representative system, enacted in 1832, has disappointed her Majesty's people, and as that measure is not, and cannot be final, her Majesty's faithful Commons will take into their early consideration the further reform of the Commons' House of Parliament."

SIR ROBERT PEELE said, that there were three classes of topics which were under

discussion in the debate of that night; first, the topics which were introduced into the speech and the address; secondly, those which were omitted from the speech and address, but which had been referred to by the mover and seconder; and, thirdly, those which were introduced by the amendment of the hon. gentleman, the member for Finsbury. Although it was not his intention to move any amendment to the address, yet he would shortly advert to the several topics introduced into the speech and address, omitted therefrom, and proposed to be added by the hon. member. Whatever omissions, however, there might be, parliament never met under circumstances of such great importance, or which afforded so much cause for deep anxiety in several quarters of the globe. Whether they referred to the affairs of Canada, to the disputes between Holland and Belgium, to the state of France, or to our Indian possessions, they would find that there were topics in all of these suggesting grave consideration, and which they could not regard without deep anxiety. The first reference which had been made in the speech from the Throne, was to the treaties which had been concluded with Austria on the one hand, and Turkey on the other; and though he concurred in the general policy of those treaties, he could not concur in the extravagant panegyric which had been passed upon them by the hon. gentleman who had seconded the address. He concurred in the policy of the Austrian treaty, but it was nothing more than a continuance of the treaty of the year 1829, which had been concluded by his noble friend, the Earl of Aberdeen. The opening of the Danube, and other circumstances, would of course suggest the extension of the principle of that treaty, but the reciprocal principle of the present treaty was the basis of the treaty of 1829. He concurred, also, in the policy of the treaty which had been entered into with Turkey; but he did not concur in the opinion that it would produce all the advantages which some hon. members anticipated. These treaties were held out as an effectual guarantee against the encroachments of Russia; but the treaty with Turkey appeared to stand thus—that whereas the powers of Europe had agreed to the importation of Turkish goods at a low rate of duty, which, in practice, had been found to give rise to illicit imports, an attempt was now made, by the substitution of a more reasonable and higher rate of duty, to establish a more legitimate entry into the various ports. The former duty on goods was, he believed, an *ad valorem* duty of three per cent., and it was now a duty of twelve per cent.

Mr. P. Thompson remarked, that the former duty was three per cent., the rise was two per cent., making the whole duty, at present, five per cent.

Sir Robert Peel feared, that in the present state of the internal government of Turkey, the superior authority would be so little attended to by the inferior persons, over whom it had little control, that we should not reap all the advantages which we expected, and that we should find ourselves thwarted, not by the superior government, but by the inferior authorities. He would next advert to a subject of far deeper interest—to a question which had for too long a time escaped the attention of that House—to the subject of the British empire and the British interests in India. When they considered the immense importance of diverting the attention of the inhabitants of India from war, and of teaching them the acts of peace, and when they contemplated the evil consequences of a great financial expenditure, imposing the necessity for an additional taxation, he was bound to say, that he could not consider this question without the greatest anxiety. He hoped that her Majesty's ministers would give them the fullest information—that the House would be informed of the causes which had led to the interruption of our amicable relations with Persia. When they saw the large accumulation of force, amounting to several thousands, on our Indian frontier, and when they saw the encouragement which this accumulation of force, causing a necessary withdrawal from other parts, would give to other governments—he trusted to receive such information as would afford satisfaction to the public mind in England. He would not then state his opinion of the course pursued by the governor-general, or her Majesty's ministers; he would not then utter one word in condemnation of it; but he required that the House should be furnished with every particular which could be communicated consistently with the interests of the country. If we feared incursion from Russia, we should have reason to apprehend greater evil if we took a wrong view of the intentions of Persia. If we converted Persia, which had been a friend to England and an enemy to Russia,

into an enemy to England and a friend to Russia, we were raising up difficulties in that quarter of our empire. He need make no apology to the House for entering into these details—the whole subject was too important to require any apology from him. The attention of parliament had not been sufficiently drawn to the state of our interests in India. There had been much squabbling on matters of domestic interest, but of comparatively trifling importance; whilst these vast questions, involving peace and war, and on which the fate of nations depended, had escaped observation. The speech from the Throne made the following announcement respecting the relations between Persia and England:—"Differences which have arisen have occasioned the retirement of my minister from the court of Teheran. I indulge, however, the hope of learning, that a satisfactory adjustment of these differences will allow of the re-establishment of my relations with Persia upon their former footing of friendship. Events connected with the same differences have induced the Governor-general of India to take measures for protecting British interests in that quarter of the world, and to enter into engagements, the fulfilment of which may render military operations necessary. For this purpose such preparations have been made, as may be sufficient to resist aggression from any quarter, and to maintain the integrity of my eastern dominions."

He knew full well, that whatever might be said in the British parliament about the necessity of confining our conquests in India within our present limits, would be replied to by an assertion of the irrepressible tendency of our empire there to extend itself; he knew that it would be extended beyond its present limits, and that it would be said that it must go on extending itself in a geometrical ratio; but still he did not find in any public document a justification under that head of the proclamation of the Governor-general of India, nor could he discover any connection between that proclamation and the speech from the Throne. The proclamation of the Governor-general of India seemed to have more in view than the mere resistance of aggression. This he thought was a fair inference from this passage of the proclamation—"After a serious and mature deliberation, the Governor-general was satisfied that pressing necessity, as well as every consideration of policy and justice, warranted us in espousing the cause of Schah Soojah-ool-Moolk, whose popularity throughout Afghanistan had been proved to his lordship by the strong and unanimous testimony of the best authorities. Having arrived at this determination, the Governor-general was further of opinion that it was just and proper, no less from the position of Maharaja Runjeet Singh, than from his undeviating friendship towards the British government, that his highness should have the offer of becoming a party to the contemplated operations. Mr. Maenaghten was accordingly deputed, in June last, to the court of his highness, and the result of his mission has been the conclusion of a tripartite treaty by the British government, the Maharaja, and Schah Soojah-ool-Moolk, whereby his highness is guaranteed in his present possessions, and has bound himself to co-operate for the restoration of the Schah to the throne of his ancestors. The friends and enemies of any one of the contracting parties have been declared to be the friends and enemies of all." That was to say, that the friends and enemies of Runjeet Singh and of the Schah Soojah should be the friends and enemies of England. Now, to that sort of engagement on the part of British power in India he did not agree. It would further appear, from the proclamation of the Governor-general, that the force assembled on our western frontier had more for its object than the mere resistance of aggression. He said, "the Governor-general confidently hopes that the Schah will be speedily replaced on his throne by his own subjects and adherents, and when once he shall be secured in power, and the independence and integrity of Afghanistan established, the British army will be withdrawn." Now, he should require that the fullest information should be laid before the House on this subject. Here was a sort of guarantee given by the Governor-general, that the British army would not be withdrawn until Schah Soojah-ool-Moolk should be restored. That prince was deposed from his throne in 1809, and had been kept out of it ever since, though on one occasion he had endeavoured to recover his authority, at the head of an army of 20,000 men, and failed. Yet this was the prince whom the British government in India was about to restore, by the aid of an immense and most expensive military force, and when restored, no doubt another British force would be required to keep him on the throne. The principle was the same in the



attempted restoration of the Schah Soojah as it would be in the attempt to restore Charles X. to the throne of France, with this difference, that the Schah had been thirty years dispossessed of his throne. In the years 1831 and 1832, the government of India had sent officers of great intelligence and industry to report on the state of Afghanistan; and what were the characters given by one of those officers (Captain Burnes) of the present occupier of the throne, and of him who had been dispossessed of it, not by the hostile interference of other nations, but by the dislike of his own subjects? Captain Burnes said, that the total overthrow of the dynasty of the late king was universally attributed to his misplaced pride and arrogance, and that he might have regained his power but for his rash attempts to exceed the authority belonging to the station which he had assumed before he was finally seated on the throne. The whole of the wealth of the country was in the hands of those who were inimical to his interests, and the bulk of the people believed that he had drawn down the mischievous effects upon them which had been produced; and from these circumstances, Captain Burnes drew the inference, that the restoration of the late king was an event which it was most improbable would occur. That was the account by this gentleman, founded upon facts which he had collected in the course of a tour made in the years 1831, 1832, and 1833. That was the only account which was in existence, possessing any authority, of these territories, and that stated that it was impossible to replace the late Schah at the head of the country again, on account of the feeling which existed against him; and yet the Governor-general informed parliament that he had entered into a guarantee, under which, by the interference of British force, the sovereign should be restored. He must say, that in the present state of India, the entering into that guarantee, to be supported by such a course as that which was suggested, required an explanation which had not yet been given—which might be given—but which, to be satisfactory, must be of a character very different from any which had yet appeared; for it must be obvious that the passage in the speech of her Majesty to parliament did not correspond with the proclamation of the Governor-general. With regard to the case of the siege of Herat, that stood upon very different grounds, and he would say nothing on that head; but a very different question arose, whether it was politic to enter into a guarantee by treaty to restore the Schah. The next subject to which it was necessary to refer was, the important matter of the Canadian affairs; and although he had nothing to object to the general purport of the speech, according to the construction which he placed upon it, yet he must say, that he thought the House would do well in its address, to express in very strong terms the sympathy which they felt in the sufferings and wrongs to which the British subjects had been exposed in that part of the possessions of this country, by the unjust and severe acts of aggression to which they had been exposed. He could not express his admiration for them too strongly—his admiration for the sacrifices which they had made, and for the valour which they had displayed, in maintaining their connection with England. They had not resisted from any cold calculations of pecuniary interest, or of their own immediate aggrandizement or security; but they had been influenced by the purest principles of loyalty, by their preference, after experience, for the monarchical form of government over the democratic; by their love for the British name, and by their determination to maintain their share in the liberties and glory of Great Britain; and for their exertions, he wished that in the last session (now it would come, perhaps, with less effect,) this House had expressed, in stronger terms, its sympathy in their sufferings, and its admiration for their loyalty and courage. When her Majesty, in her speech from the Throne, called on parliament to support her in maintaining the authority of the Crown in Canada, he took it for granted that that meant to intimate an intention on the part of the government to maintain the sovereignty of her Majesty in the North American possessions of this country. He took it for granted, that that was tantamount to a declaration, not only that the maintaining that sovereignty was intended, but that, after all that had passed, the honour of this great country was concerned in supporting that authority; and he imagined that her Majesty intended to manifest her determination, whatever might be the result, to support those gallant men who, far separated from this country, but aided by its troops, had been able to resist the insurrections of the disaffected, and had proved themselves worthy of their connection with England, and of their right to the language which they spoke in common with

Britons, by their noble exertions, and by the sacrifices which they had so gallantly and so disinterestedly made. [Hear, hear! from Lord J. Russell.] The noble lord (Lord J. Russell) assented to what he said, and that established the authority which he had attempted to deduce from the passage to which he had referred; and it was a declaration to the world, directed to the people of Canada more particularly, intimating that when any persons might attempt to molest them, it was for the honour of the British Throne that support should be given to British subjects. If that were so, then it meant to declare, and by that declaration to cheer the spirits of those who might be doubting, perhaps, as to the course they should take, that their sacrifices should not pass unnoticed, if they were again called from their homes in order to repel any new aggressions of the same character as those which had been already made, and which were the most expensive and dreadful that had ever been inflicted on the people of any country. They might, however, rely on the protecting power of Great Britain being extended to them. It was important, also, that the declaration should be understood by those misguided inhabitants of the United States who had been the main cause of these aggressions. He was bound to say that he had never spoken but in this way—he had never spoken of the United States, in the whole course of his political career, with any other feeling than that of deprecation of any sentiment inimical to the government of that country; and he thought it important, for the sake of humanity, and for the sake of the civilized world, that the friendship of the two countries should be maintained without any interruption of the best feelings; but that consideration should never prevent him, as a member of the House of Commons, from expressing freely his opinion with respect to their conduct. Her Majesty, in her gracious speech from the Throne, did certainly—he knew not whether it was intended as such—give as faint praise as possible to the efforts of the government of the United States. He was glad that her Majesty had spoken the truth. All that she said with respect to the President of the United States was this:—"The President of the United States has called upon the citizens of the Union to abstain from proceedings, so incompatible with the friendly relations which subsist between Great Britain and the United States." Why, if that were all that the President had done—if all that had passed were considered—all that appeared to have been done was to issue a proclamation, calling on the inhabitants of the United States to abstain from any interference with the Canadians; and the very limited panegyric was justifiable, but he was still dissatisfied with it. He could not conceive anything more grievously unjust, than that the inhabitants of a country, standing in a position of friendly relationship with another adjoining country, should keep the subjects resident in that country, without any cause of quarrel, in a state of danger of hostile interference; and he could not conceive anything more dangerous than that such an example should be allowed to continue in existence. Let hon. gentlemen imagine the inhumanity and injustice which would arise, in the event of its being admitted that the people of one kingdom were justified in making an entry into the adjoining territory, with armed forces, in destroying its villages, and massacring the people; and that the only reparation which could be obtained, was an answer, that the government of that country, by whose inhabitants the insurrection was made, was weak, or was disinclined to interfere, or that it should only call upon its subjects to desist from such proceedings, and nothing more. Had anything more been done here? What had been done with respect to those persons who had broken into the arsenal belonging to the United States, and, having taken away the arms contained therein, had turned them against the British people? But what doctrine had the United States laid down under similar circumstances? When the Indians of Florida had entered upon, and had attacked the United States, did General Jackson satisfy himself by adopting that course? Did he not, on the contrary, march into the territory of the Spanish, and seize the forts, and hold them for the United States? And when the Spanish government complained of it, what was the answer? It was, "If you cannot maintain order among your subjects, we will." That was the doctrine to which he appealed from his confidence in its justice, and the American government, which he was sure, acts on the principle of doing as it would be done by. The Spanish answered that they were weak, but the United States did not say that they were in the same condition, and could not repress the inhabitants. Mr. Adams foresaw the possibility of such a case arising, and he said, in his answer to

the Spanish minister who demanded satisfaction: "He took possession, therefore, of Pensacola, and of the fort of Barrancas, as he had done of St. Mark's, not in a spirit of hostility to Spain, but as a necessary measure of self-defence; giving notice that they should be restored whenever Spain should place commanders and a force there, able and willing to fulfil the engagements of Spain towards the United States, of restraining by force the Florida Indians from hostility against their citizens. . . . But the President will neither inflict punishment, nor pass a censure upon General Jackson for that conduct, the motives for which were founded upon the purest patriotism; of the necessity for which he had the most immediate and effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence. . . . If, as the commanders, both of Pensacola and St. Mark's, have alleged, this has been the result of their weakness rather than of their will—if they have assisted the Indians against the United States, to avert their hostilities from the province which they had not sufficient force to defend against them, it may serve in some measure to exculpate individually those officers; but it must carry demonstration irresistibly to the Spanish government, that the right of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election, either to place force in Florida adequate at once to the protection of her territory and to the fulfilment of her engagements, or to cede to the United States a province of which she retains nothing but the nominal possession, but which is, in fact, a derelict, open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a post of annoyance to them."

It was in order that the inevitable consequences of the continuance of the existence of the present system might be avoided, that this matter was of importance; for there was the risk of men taking the law into their own hands, who were constantly exposed to sufferings of the description experienced by the Canadians, and it was to avert that event, that he trusted that the United States would be zealous in co-operating with the British government now. The sentiments of the nation must be known, and it was for the general interests of all countries to prevent the repetition of such conduct. Supposing 200 citizens of the United States were to collect and enter Canada, and seize upon a village, the result might be, that before assistance could arrive sufficient to expel them, a great number of others might take advantage of the stand which they had made, and of the temporary victory which had been gained, and might pour in upon the country under circumstances so advantageous as to prevent their being expelled without great difficulty. It was his duty, therefore, as a member of the British parliament, to call on the government to make an appeal to the United States against the injustice of such a course. There was one other topic introduced in the address on which he had a wish to speak. He was willing to put that construction upon it, which it had received from the hon. member for Kilkenny, and the hon. and learned member for Dublin, that it pledged those who voted in support of it to nothing, and to acknowledge, that it need not be criticised with any great accuracy, and therefore he did not object to it; but he would now come to a topic which had been omitted in it, and which was not adverted to. It was evident that the hon. member who had seconded the address to her Majesty, had prepared the speech which he had addressed to the House under the impression that the subject of the Corn-laws would be alluded to in her Majesty's speech. He thanked the hon. gentleman for the opinion which he had expressed, and the views which he had taken upon that important topic, and which he believed would carry the greater weight from the high authority which the hon. member was known to be upon such a subject, from his knowledge of the facts connected with the matter, and he was exceedingly obliged to him for the clear manner in which he had expressed himself, and certainly for the very able speech which he had delivered in favour of the existing system. His hon. friends who sat near him, when the hon. gentleman was addressing the House upon this subject, had called upon him to cheer for the arguments which the hon. member had advanced; but he declined to take such an advantage of the hon. gentleman, because he was fully persuaded, that before he concluded his speech he would proceed to the demolition of his own premises. But when the hon. gentleman sat down, he never was so much surprised as at the

termination of what he said; for he had never heard any speech delivered, as this was, not only by the seconder of the address, but by the chairman of the Chamber of Commerce at Manchester, which went so far to confirm those in their adherence to the present state of things who had been favourable to its continuance, and to awaken the doubts and suspicions of those who were opposed to it. His argument was quite complete in all its points: for if he had said, that he would prove that there had been a progressive increase in the exports of England, he would have been answered, that it was true that the quantities had increased, yet that the relative value had diminished, and therefore that argument had no weight; if he had said, that he would give the official valuation, then he would have been called on to say what was the declared value; but to silence all opposition, he at once said,—“I will give you the declared value; I will institute the best comparison; I will not take former years, when other systems were in operation; but I will select the years 1835, 1836, and 1837; and I will compare the exports of 1838 with those of those four years, under the same system of corn-laws, and I will show you a progressive increase, not only in manufactured commodities, but in the real declared value, which amounted to three millions and a half; and I will show you, that there is a reasonable way of accounting for the depression which has taken place. In 1837, it is true, you had a depression; but that is not attributable to the corn-laws. The years from 1834 to 1836 would afford fair tests upon which to decide the question, but the year 1837 would not; for it was not the corn-laws which caused the depression in that year, but it was the operation of the banking system; and the instant that was removed, the instant that the ligature which bowed us to the ground was cut, in 1838, we rose buoyant.”

The hon. gentleman proposed to produce quantities, and he (Sir R. Peel) was also prepared with quantities, which presented matter of grave consideration, whether it were proper to tamper with the existing system, and to show the House, that since that system had been in operation, a progressive increase of exports had taken place which was almost unheard of. The export of cotton yarn, in 1829, was fifty-seven million pounds; in 1830, it was sixty-two millions; in 1831, it was fifty-eight millions; while in 1838, it was one hundred and thirteen millions of pounds; so that there was an increase to the extent of double the quantity in 1838, as compared to the quantity exported in 1829. A similar increase had taken place in the cotton-thread exported, which, in 1829, was 1,074,000 lbs., and in 1838, 2,362,000 lbs., or more than double the quantity exported in 1829. But this increase had not been confined to cotton alone. In hosiery, the quantities exported for three years, 1829, 1830, and 1838, were: 1829—363,000 lbs.; 1830—346,000 lbs.; 1838—447,000 lbs. In calicoes, there had been an immense increase since 1829; the amount then was 128,000,000 yards printed, and 179,966,000 plain. In 1830—152,432,000 printed, and 190,262,000 plain. In 1838—264,724,000 printed, and 282,847,300 plain. In silks, also, the increase had been great.—[Mr. Wood: An average of four years.] He begged the hon. gentleman would speak with the tone in which he before spoke of the average of four years, and remove any gloomy apprehensions which it might convey to his mind. In silks, the quantity exported in 1837, was 80,710 lbs., and, in 1838, 146,293 lbs.; of silk and cotton, 27,410 lbs. in 1837, and in 1838, 52,863 lbs. This was the state of our commerce under the present corn-law, and he begged it to be recollected that there was an increase of three and a half millions not only upon the quantity, but upon the declared value.—[Mr. Wood: An increase of only seven per cent.] Yes, seven per cent.; but he did not perceive the same loudness now in the tone of the hon. gentleman's voice which he had observed when he first made the declaration which he had repeated. It was not only this argument, however, which the hon. gentleman had advanced, which was in his favour, but he had said, also, that he had reason to know and believe that our trade was in a sound, healthy, and improving state. The hon. member's account of the shipping interest was equally satisfactory, and showed that, under the existing system, that department of commerce had an equal right to boast of its stable and firm position. The question now, therefore, was, whether the British parliament should be so alarmed by that which was the inevitable consequence of a bad harvest; and he hoped that the House would pause before it acceded to any proposition which would have the effect of changing the law, and which would materially affect the agricultural interests of this country,

having received from the President of the Chamber of Commerce at Manchester, the account which he had given of the stable and secure position of the commerce and manufactures of the country, exposed, however, as it was, to the disadvantages of a bad bank system; and he trusted that they would hesitate before they run the risk of needlessly undermining the foundation of that system which had been attended with such good effects. He now came to the last paragraph of the address. Her Majesty, in her speech, said—"I have observed with pain the persevering efforts which have been made in some parts of the country to excite my subjects to disobedience and resistance to the law, and to recommend dangerous and illegal practices."

He had no hesitation in saying, that by whomsoever or for whatever purposes these practices were resorted to, they would at all times meet with his most decided opposition. He cordially agreed with the expression which her Majesty used, and he hoped that that high authority, not introducing any new penalties of the law, but warning her subjects against being misled by the practices of designing men, and expressing her determination to enforce the existing laws, would have the proper effect upon all loyal subjects, and would tend to frustrate the designs of these men; but he said that the language, considering the state of life of the individual who used it, was highly improper. It was calculated to excite the people to violence, and to endanger the safety of property, and by that means to call down upon the heads of the offending parties the severest penalties of the law. The noble lord, however, must again excuse him for saying, that when he thought fit to advert to the subject of these meetings, he used language which was so capable of perversion, of being misunderstood, as to be dangerous in its effect. He would state the grounds on which this allegation was founded. On the 17th of September, a public meeting was held in London; and he found that a speaker there made use of the sort of language he complained of. Speaking of the men of the north, he said, "They were armed. He had seen the arms over their mantelpieces. But the national petition had come opportunely, and they would not have signed it, had it not demanded universal suffrage. If they should fail in the present instance, he would not attempt to say what would be the consequence. The rifles would be loaded—that would be the next step, no doubt; and he defied the power of any government, or of any armed Bourbon police, to put them down. It was no use to disguise the matter; secrecy was the ruin of all things. Every thing would be done openly by the people of Lancashire, and it would be done constitutionally and legally. Now for the people's charter. They demanded it, because it contained universal suffrage—because it gave them a voice in the choice of representatives—and they were justified in asking for this. Was it too much for those who produced all the food, all the clothing, all the necessaries of life—who fought all the battles of the country—to ask for a voice in the choice of their representatives? He would state what the people of Manchester were going to do. They intended, on Monday next, to hold a great meeting at Manchester—an aggregate meeting, where they expected no less than 300,000 men, two-thirds of whom were fit to bear arms."

A person named Wade, a clergyman apparently, afterwards spoke. He said—"He would now say a word as to the convention. One advantage of it would be, that the people would have an executive power to watch the government. If any unjust aggression were made on the people by the convention, they would have the power of calling a great convention, and those who did not agree with it, might go about their business."

Mr. Feargus O'Connor (formerly a member of this House) said, "They had had a taste of physical force in the north a short time since. Some of the metropolitan police were sent down to Dewsbury, but the boys of that noble town sent them home again. His desire was to try moral force as long as possible, even to the fullest extent; but he would have them always bear in mind that it was better to die freemen than to die slaves. Every conquest which was called honourable had been achieved by physical force; but they did not want it, because, if all hands were pulling for

universal suffrage, they would soon pull down the stronghold of corruption. The Whigs had not only deprived the poor of their rights, but they had robbed the middling classes of theirs also, and all for the purpose of putting the power into the hands of the three devils at Somerset-house."

The Rev. Mr. Stephens, on the 24th of September, used this language:—"If the boroughreeve and constables had not made the declaration which they had made, and if these parties had not given the command of the police to be vested in the hands of the marshals of the day of that meeting, he would have come upon the ground armed, and would have brought 10,000 armed men with him to the meeting, and he would have moved an adjournment. He would have moved an adjournment of the meeting of the people of South Lancashire for one month, and he would have advised every one in the mean time to use all his influence over his friends and fellow-workmen, to flock towards the standard of the national charter."

Now, when the noble lord spoke of these meetings in the language he had used, though he did not doubt that his object was good, yet he must say, that he thought the expressions which he used were capable of being misunderstood. He would read a report which had been published of the noble lord's speech, and which had not been contradicted nor controverted. The noble lord said, at a dinner at Liverpool, on October 3rd:—"He alluded to the public meetings which were now in the course of being held in various parts of the country. There were some, perhaps, who would put down such meetings; but such was not his opinion, nor that of the government with which he acted. He thought the people had a right to free discussion. It was free discussion which elicited truth. They had a right to meet. If they had no grievances, common sense would speedily come to the rescue, and put an end to these meetings."

[Lord John Russell: I added a qualification.] The noble lord, from that very expression, clearly felt the justice of the remark which he had made. But suppose a mill was burned, and suppose that, instead of giving him assistance, it should be said that the mill-owner had duties to perform. He was prepared to say that, although the sentiments which the noble lord expressed might be just, they might be truisms; but even the unseasonable expression of truth in times of public excitement might be dangerous, and therefore he exceedingly regretted, that when the noble lord did accompany that declaration which he had made in favour of these meetings with a qualification, that qualification did not receive equal publicity with the other parts of the speech. I will now (said the right hon. baronet) say one word with respect to the amendment of the hon. member for Finsbury. The hon. gentleman anticipates that it will be impossible for this side of the House to assent to it, and I certainly, for one, will give a cordial vote against it. But with respect to the first portion of the amendment, that the measure of 1832 had disappointed the expectations of her Majesty's people, as the hon. gentleman and others on that side of the House are such good judges of the disappointment that has taken place, I will defer to that authority most readily, and as I prophesied that disappointment would be the result, I certainly do not dissent from that part of the amendment. I did dissent from the measure; I told you the English people, in the mass, were not deceived—that they did not place much confidence on the legislative power of a new parliament to redress their grievances—I told you that you overrated the extent to which

"Many a gem of purest ray serene  
The dark unfathomed caves"

of the reformed parliament would turn up. I did not suppose that "a phalanx of able and eloquent men," who had been hitherto languishing in obscurity, would be brought before the public. Supposing I had prophesied in 1830, when you drove me from power—when you made me responsible for every fire that took place—when you told me that public discontent would not, could not exist, without evident indication of misgovernment—that the people would not complain without good reason, and that the existence of dissatisfaction, and the prevalence of crime, were proofs of the bad legislation of those who held the reins of power. Suppose I had said, at that time, "Yes, but you have not two conventions sitting then, as there now are;" suppose I had said, "You will have the same fires and the same outrages in 1838,

making every allowance for the excitement in France;" I do not consider, as regards the prevalence of excitements, you are at the present moment in a better condition than we were in 1830. If I had said that this measure you are clamouring for—the bill, the whole bill, and nothing but the bill—if I had said, you that are calling for this, and you will neither permit abatement or addition to it—if, whatever you may think of its finality now, you then held it to be the second charter of public liberty—if I had said, in 1838 you will be clamorous for a reform of this measure, as you now are, and that it disappoints the public expectation, and that you must be dragged upon the wheels of that which is ever to be stationary, it would not have been received with the good-humoured laughter with which you now greet it, but with a scowl of indignation at throwing any doubt upon the introduction of more popular opinions into the British constitution. I should have been denounced as a false prophet; I should have been told that there would be nothing but perfect satisfaction under the new parliament—under the bill, the whole bill, and nothing but the bill. It would have been said, these are the prejudiced views of a Tory, who clings to ancient abuses, and who will not look on the bright day that is now approaching. I may now be asked, Why, then, do you support this bill, which according to you is deserving of reprobation, and has been productive of disappointment? Because I take warning from experience, and because I find it has not produced satisfaction—because I know that a demand for further reform, in the expectation of producing satisfaction or finality, would be only aggravating the disappointment, and that in five years more, after having extended the suffrage to four millions of people, you would come again, and say, you have only given us household suffrage, when you should have given us universal suffrage. You will argue, it is quite clear, that whoever contributes by his labour to taxation, is entitled to a vote. I am confident, according to the hon. gentleman's own showing, that if all men are slaves who are not entitled to exercise the elective franchise, that nothing short of universal suffrage, in its most unlimited degree, will satisfy you. Why should it be limited to the age of twenty-one? Why have any limitation as to age, as in the case of the militia? Thus you will go on infusing popular principles into the constitution until it ceases to be a monarchy, and then, when you are suffering under the bitter experiences of the change, you will, perhaps, tell me—you were not a false prophet. Would to God that we had continued under the old standard of our ancient institutions, and that the country may yet preserve the inestimable institutions of a mixed and mild government!

Mr. Duncombe's motion was negatived, and the Address carried by a majority of 340.

## NAVY ESTIMATES.

MARCH 11, 1839.

On the question that the naval force for the present year be 34,165 seamen, and 9,000 marines, including boys,—

SIR ROBERT PEEL stated, that it was not his intention to give any opposition to the vote which was proposed. Her Majesty's government, on their own responsibility, had proposed for the consideration of the House, that a certain number of seamen should be the general naval establishment of this country, and it was nearly impossible for any member of that House to enter so fully into the subject of the navy or army establishment, as to be able to question the propriety of the grant; but the government must be presumed to have a much more accurate knowledge of all the circumstances of the case than those who had not access to official information, and who could judge, therefore, only by the general aspect of affairs; and therefore, unless there was something unusual in the vote which would lead to a strong belief that it was much too small, or that it was extravagantly great, it was extremely difficult for any hon. member to propose an alteration in it. The main consideration which parliament should have upon this subject was, as to the amount of the vote; and, in reference to this, they must look, first to the relative strength of the naval establishment in this country, with that of the other powers; and secondly, to the

present aspect of affairs, and the probability of this country being called upon to bring its resources into operation. Now, considering either one or other of these matters, he came to this conclusion—that the amount of men proposed for the navy establishment of this country could not be objected to on the ground of its exceeding that which was necessary. He could not say that it was an extravagant amount, but, on the contrary, it was more likely that he should say that the demands on it would be sufficiently answered by the provision made. It was impossible not to see that the exertions made by other powers—it might be without any hostile design—by the United States—France and Russia were becoming great naval powers, and were preparing to cope with Great Britain in the superiority which it had hitherto maintained over the seas, and it was impossible, therefore, to exclude the importance of those maritime powers from the consideration of the House. There was one material point also—that the House must not only take the actual strength with which it was possible to appear when it might be called upon to come in collision with other nations, into consideration, but also the degree of assistance which we might expect from our allies. Let the House look at the strength of the Russian fleet in the Baltic at this time. They must not, however, determine the amount of possible danger by its mere extent, but they must look at the other fleets there; and if they found that Russia had a complete preponderating power there, it was most material to consider, whether this arose as well from its own strength, as from the assistance which it might gain. In 1790, there was a most formidable conflict there. Russia and Sweden were then opposed to each other, and Sweden had no more than eighteen sail-of-the-line there, with which she contended against twenty-three Russian vessels, and it would, therefore, be found that the Russian preponderance proceeded not merely on account of her own superior strength, but on account also of the diminution of the other powers on the shores of the Baltic, on whose co-operation this country might have reckoned. Then, again, let them compare the exertions of France with those made in former times, and also with those of the United States, and they would see the mode in which they were preparing themselves. When he said this, however, he was willing to admit, that nothing could be worse policy than to show too feverish, too active a jealousy, with respect to the progress of those states. If the country had peace, let it have the full advantages of peace; and if they made any active demonstrations, they must do it in such a way as to bring no evil consequences upon themselves; but he looked to the strength of the country, and to the tremendous exertions she would have to make in case of any war breaking out, and while he was one of the last to advise that they should increase their resources during peace by an unnecessary demonstration, and by that means inducing other powers to magnify their own strength by reason of the suspicions which they should entertain, he was at the same time bound to say, that when the exertions made by other naval powers were witnessed, the time was arrived when this country should sedulously apply itself, not to a sudden demonstration of strength, but to a gradual and prudent collection of its materials of warfare, with which, in the event of war breaking out, they would find reason to congratulate themselves they were not unprovided. On that ground, he hoped that her Majesty's government would seriously consider the condition of the British navy, so as to make such additions as would enable them to compete with other naval powers. He should have been contented to discuss this matter upon the general principle; but that the hon. gentleman, the secretary to the Admiralty, finding himself pressed by a pretty unanimous, or at least a general expression of dissatisfaction at the conduct of the Admiralty, thought it expedient to rest his defence mainly upon the reductions made in the navy during the time he (Sir R. Peel) had been in office, and he said that Conservative attacks were very rife upon the government. In reply to that, he begged to say, that he was no party to any of those attacks, and so far from considering that they ought to be called Conservative attacks, he should say, that the assaults upon them came from a different quarter, while their best defence proceeded from a Conservative. The greater part of the attacks made upon the present management of the navy, came from persons whose politics corresponded with those of her Majesty's government—at least, that was true of a great many amongst the writers upon the subject. It did appear to him surprising that government should be so sore upon the subject, seeing that so large a propor-



tion of those from whom the attacks proceeded, so far from incurring their displeasure, had actually been rewarded. The individual who signed himself "A Flag Officer," was, of course, not known—appearing under that assumed title they could not tell what might have been his reward; but Lieutenant Crauford, now a commander, who wrote upon the state of the Russian navy, had been promoted—so likewise had been Captain Napier. That gallant officer did not conceal the expression of his opinions, but he was rewarded, and the defender of the government was Sir John Barrow, a Conservative. Then, on the assumed ground that the assailants of the government on this subject were all conservatives, the secretary to the Admiralty thought proper to attack him and his government; he should now, therefore, proceed to consider whether the attacks made upon him were well founded, whether the course which the present government pursued could be justified and defended by an attack upon the government with which he was connected, and having repelled the accusations brought against him, he should proceed to inquire whether the conduct of the present administration was altogether free from reproach on the ground of neglect or misconduct. At this moment, the cry had set in against economy; and he, when in office, had been charged with neglecting economy. Now, he should show that he had not been guilty of that; he should show also, why he had listened to the doctrines of the economists, and proposed what was said to have been too small an amount of naval force. An hon. member had said to him, "You are the cause of all the attacks which are now made upon us; your government in the years 1834-5 proposed more inadequate estimates than ever were proposed before;" and, therefore, the hon. member inferred, that he (Sir R. Peel,) who had neither suggested nor incited any attacks on the board of Admiralty, ought to bear the blame of any improper attacks which might have been made upon it at a former period. Now, he would just remind the House, that although they might vote 35,000 seamen and marines as a fit establishment for the year 1839, that was no proof in itself, that his estimates for the years 1834-5 were inadequate. He requested the House to consider the situation in which he stood at that time. At the close of the year 1834 he came into office. He had to consider what should be the amount of the estimates for the ensuing year. He found that in the year 1818, when he had also been in administration, we had been content with a force of 20,000 seamen and marines for the navy, and that in the year 1823, we had only a force of 25,000 seamen and marines for the same service. In the commencement, then, of 1835, he had proposed that the naval force for the year should be 20,000 seamen and marines. Now, it was no proof, that though in 1818, he had thought a force of 20,000 men sufficient, the vote which he proposed in 1835 was inadequate; and even if the hon. gentleman opposite could prove that their vote of 35,000 men for the present year was right, it was no proof that his estimates for 1835 were justly liable to condemnation. What were the circumstances, he would ask, under which he had proposed the estimates of 1835? He landed in England on the 9th of December, 1834. At that time he had not accepted office. He accepted office the next day—on the 10th of December, 1834. The board of Admiralty was formed about the 1st of January, 1835. The House of Commons had required, that the estimates of the year should be laid on its table within a fortnight after the meeting of parliament. What, then, was the course which he had to pursue? In the month of August, 1834, his Majesty had declared in a speech from the Throne, that profound peace prevailed throughout the whole of Europe, and that all anxiety for the fate of Turkey was at an end, and his ministers had taken credit for the successful exertions which they had made upon that score; and had informed the country that it was in no danger from any renewal of hostilities. The board of Admiralty, he must again repeat, was not formed till the 1st of January, 1835. He therefore determined to take this course—namely, to adhere to the estimates which his predecessors in the government, who were in office up to November 1834, had prepared, with the full knowledge of all the exigencies of the public service. It had been stated, in the course of the debate, and that statement had not yet been contradicted, that three-fourths of the foundations of the estimates for the year 1835, had been prepared by the administration which quitted office in November 1834. In those estimates he found nothing to warrant even a suspicion on his part that they anticipated any interrup-

tion of peace; on the contrary, it appeared as if they entertained no fears about the prospect of peace being obscured, and that they were of opinion that it would not be wise to incur the jealousy of foreign powers, by increasing either our naval or our military establishments. He looked, then, to the provisions which had been made for them by his predecessors in office, and he found that the impressions which had been created by his Majesty's Speech from the Throne in August 1834, were completely confirmed by the draught of the estimates for 1835, which they had left behind them in their respective offices. He found, likewise, that if any inference as to their belief of the profound security of the world could be deduced from their inadequate preparations, that inference was greatly confirmed by the force ready for service in the different ports and harbours of the country. What vessels had they at the close of the year 1834, in the three principal ports of Portsmouth, Plymouth, and Sheerness? You had not at that time in any one of those three ports a single first-rate, nor a single second-rate, nor a single third-rate, nor even a single fourth-rate—nay, you had not even a single sloop or any steam-vessels. You had there, it was true, stationary vessels, but not a single vessel ready for sea was there in any one of the ports and harbours of Great Britain. He had a right, then, to infer, that his predecessors in office had no fear of any danger, and that they had no notion of any likelihood of the prospects of peace being obscured. He had, therefore, taken their estimates for the preceding year; and the first question which he had asked himself upon them was, as to the number of seamen and marines which had been actually employed. He found that it fell short of the number voted by 1,200 men. Three large vessels, the *Caledonia*, the *Trafalgar*, and a third ship of the line, of which he had forgotten the name, had subsequently returned home. The reliefs had all been sent out, and the actual number of men employed fell about 1,200 short of the number which had been voted. He had, therefore, taken as the foundation of his estimate, not the number contained in the estimates of the preceding year, but the number of men actually employed by virtue of it. But that was not the only foundation he went upon. As our appointment to office was not calculated to endanger the peace of Europe, as the country had amicable relations with all the foreign powers, ministers in 1835 determined to follow in the steps of their predecessors in office up to November 1834, and not to propose any increase in the establishments. But it would have been open to them, if you would have granted to us, which you would not, the experience of four or five months in the administration of public affairs—on finding, as he had little doubt but that they should have found, that their estimates were inadequate—it would have been open to the ministers to come down to the House at a subsequent period, and to state that such was the case; and under such circumstances he thought, that the House would have more readily given him increased powers, if he had said, “We did not like to act upon mere apprehensions of danger—we did not like to spread consternation and alarm throughout the country. The experience of a few months has shown us, that we were wrong in the view which we took of foreign affairs, and now we have acquired the knowledge, that a greater force is wanted than that which we originally required.” He was sure, that that was the course which men of sense would have pursued, and he was also sure, that it was a course to which the House of Commons would have assented. We were not, however, admitted (continued Sir R. Peel) to that experience; and I am not warranted, from the experience of what has occurred, in saying, that if we had proposed larger estimates than those which we then laid upon the table of the House, we should have found a very ready acceptance of them at your hands. All I know upon that subject is, that the hon. member for Kilkenny proposed, that our estimates should be referred to a select committee, and that in that proposition he was supported by some fifty or sixty of his friends. Our estimates, which are now considered so open to the fatal objection of economy, were then kept so long in a state of suspense in that House, that we were obliged to come down to the House and inform the hon. member, that if we did not gain one vote upon them, we should not be able to discharge the half-pay and pensions of the seamen and marines. I was myself obliged to ask the hon. member for Kilkenny to waive his objections to that item in the estimates, and to allow me to take a vote upon it without discussion. But if, instead of taking that course, I had come down to the House and said, “These gentlemen are cutting

down the estimates too narrowly, they are not aware of the exigencies of the public service; let us increase the force of the navy; let us add to the number of seamen and marines; there is nothing like preparing for war," what chance should I have had of carrying such increased estimates, supposing that I had been induced to propose them? I proposed, then, under these circumstances, the estimates of 1835; and my charge against you now is, why, if you thought those estimates so inadequate as you now state them to be—why, if you thought that I was at that time undermining the sources of British power and of British ascendancy, you did not yourselves come forward to propose such larger estimates as you yourselves thought commensurate with the demands of the public service? You at any rate were not inexperienced in public affairs; you knew well what was the state of Europe in 1834. If you thought my estimates for that year too much reduced, why was not a single whisper heard from your ranks against the measures of retrenchment and economy which I then proposed? The hon. member opposite (Mr. Hume, we believe) behaved on that occasion fairly enough. When we put in our claim as advocates for economy, he said, "Oh, no! such a claim does not belong to you." Our claims to economy at that time were disputed, and when we showed that our estimate was less than the estimate for the preceding year by 1,200 men, it was replied that no credit was due to us for that reduction; we were told that our economy was reluctant—that it was forced upon us, and that we were only treading in the steps of our predecessors. But not a single whisper was then heard that our retrenchment was ill-judged and extravagant. Why was it not? In 1835 not one of you was manly enough to call upon the House for an increased vote to the navy; but now, in 1839, when the tide has set in against economy, and when the cry is for increased naval establishments, you are content, one and all of you, to sail with the stream, because it is in favour of that increase, and you say, with smirking self-sufficiency, that all the evils arising from the present reduced state of our naval establishments ought to be visited upon the head of my administration of 1835. But what was the amount of the enormous reductions which we made in that year? On the 1st of December, 1834, the naval establishment left to us by our predecessors in office, amounted to eleven sail-of-the-line, classed under the head of fourth-rates, and altogether to 160 pennants. Our inadequate estimates enabled you, however, to have, on the 1st of December, 1835, 167 ships employed in the naval service of the country—so that the result of our enormous reductions was, that you had at the close of the year a positive increase in the force of the year 1835 over that of the year 1834. It is true that you supported a much greater increase in the naval estimates for the next year. You have said that I taunted you with doing so from an undue fear of the power of Russia. I am bound to say that I have no recollection of having used any such taunt. I said it would have been better had you assigned the real cause of the increase which you then made; but I do not recollect having ever taunted the noble lord opposite on the score of his alarm upon the exertions of Russia. A large increase, however, was made, no matter as to the cause, in 1836, to the navy estimates; and now, with the utmost simplicity, the hon. secretary for the Admiralty comes forward and asks us what reasons had we for consenting to increase the estimates of 1836, which did not apply with equal force to increasing the estimates of 1835. Why, I heard, with my own ears, the hon. gentleman make a speech of more than an hour and a half's duration, in explanation of the reasons which, he said, existed for increasing the naval estimates of 1836. He did not at that time venture to assert that the estimates of the preceding year had been improperly prepared; and the noble lord, the leader of the party—what did he say upon them? I put it to the House broadly and distinctly, has the course of either the noble lord or the hon. secretary been fair to us upon this occasion? In 1835 neither of them ventured upon any objection to my estimates. In 1836 an increased estimate was proposed under their auspices, on the ground that the public service required that an additional force of 5,000 men should be employed. In the course of the debate which took place upon that proposed increase, I said, "I assent to it with readiness, for I cannot see that the estimates of 1835 should be the rule for the estimates of 1836." That, however, was not the language which the noble lord used at that time. What then was it? On the navy estimates for 1836 being proposed, the noble lord said, that he was ready to admit that when the estimates of the

preceding year were prepared, there was no necessity for a larger estimate than that which was then submitted to parliament, but that he was convinced that if an increase had then been called for, it would have been assented to. But why should I overlay this point with unnecessary argument? Why should I again remind the House, that if my estimates were inadequate, it was the duty of the noble lord and his friends to have come forward and remedied the deficiency at the time, and that nevertheless they one and all shrunk from the performance of that duty, because economy and retrenchment were the order of the day, and the tide had not, at that time, set against them? What could have been easier, if my estimates were so palpably under the mark—what could have been easier than for the noble lord or for some member of his government, to have come down to the House in June, 1835, and to have said—“These estimates were prepared with a view to economy by those who had but an inadequate knowledge of the circumstances of the country. We know better what the country requires, and here is a supplementary estimate containing the items of the increased grant which we demand from you.” If you could have convinced parliament that such an estimate was necessary, parliament would have granted it willingly, and then you would have acted more manfully than you are acting now, when, after keeping our condemnation snugly in your pockets for four years and more, you are producing it to answer one of your party purposes. The right hon. baronet then proceeded to observe, that he did not presume to condemn government for attempting, in the present state of our finances, to reconcile their professions of economy with a due regard to the service of the country. He hoped, however, that government would well consider the situation in which we were placed at present. He did not wish to diffuse anxiety or consternation throughout the country; but looking to the present condition of our affairs on the north-west frontier of India—looking, too, at the war in which we might be embarked at the other extremity of the globe—looking at the state of Canada—at the unsettled question which we had with the United States, and at the active demonstrations which were making by other states in the other hemisphere; he could not refrain from expressing a hope that the government would consider carefully whether there was not at present justifiable cause for increasing the naval establishments of the country—an increase which, in point of fact, might ultimately be more economical than any rash diminution of them. He did not say this in any hostile spirit to her Majesty’s government, for he was well aware of the necessity under which they laboured of reconciling as far as they could the demands of the public service with those of economy. His charge against the government—for he had now done with the defence of his own administration—his charge against the government, or rather his suspicion of neglect and misconduct on the part of the government, was founded on this circumstance, that they would be unable with the force which they now demanded from parliament, and to which parliament would undoubtedly give its assent, to give that protection to the commercial interests of the country which their importance required. He looked at both the state and amount of our present naval force. He looked also at the distribution of it; and having done that, he could not reconcile the distribution of it with the demands for protection to British commerce. He recollected well, that in the year 1836, when the hon. secretary for the Admiralty moved for an increased grant on account of the naval estimates, he made the following statement:—“The first ground upon which he asked the House to consent to the resolution for an increase of 5,000 men was, that there was no British naval station in the world from which there were not pressing demands for an increased force. From the stations in the Pacific, where the English trade was increasing very much, there were continued demands for an increase of naval force. The demands made upon the Admiralty in this respect, had been reiterated through the Foreign-office by the Consuls of this country, as his noble friend at the head of that department well knew. Again, similar calls had been made upon the Admiralty by the Consuls at Mexico and Valparaiso, by the merchants resident there, and on the whole western coast of Mexico, claiming this aid in protection of their persons and their property, and declaring such increased naval force to be absolutely necessary for this purpose.”

In that paragraph of the hon. gentleman’s speech, he had distinct and positive proof that her Majesty’s ministers were aware of the necessity for increasing our

naval force to give protection to our commerce on the coasts of South America. Nay, more, he had a direct admission from them that daily applications were made to them for the presence of such a naval force. He found that at present we had a force of twenty-one ships of the line, and of 35,000 seamen and marines; and now he asked them whether we had been able with that force to give that protection to British commerce in South America which our interests required? As he did not wish to enter into the general question at present, he would confine himself to the case of British interests in Mexico. First of all, let the House look to their amount. There were eight or nine large bodies of British capitalists engaged in mining operations in that country. Moreover, there was a very considerable debt due from Mexico to the inhabitants of this country. You would also find at Mexico, Vera Cruz, Oaxaca, indeed at almost every large port and populous internal town in that part of South America, extensive British commercial establishments. The amount of British capital thus invested in Mexico, was sufficient to demand of the government that it should look carefully to its protection. What, he asked, had recently occurred? So long ago as the 21st of March, 1838, they were aware that France was about to enforce her claims—perhaps just claims, perhaps claims neglected by Mexico—by demanding reparation, and if that was refused, by exacting it from the Mexican Republic. Very soon after that date, they must have been aware that France not only required from Mexico reparation for the injury she had sustained, and the dismissal of the judges and officers who had, as was alleged, improperly and illegally treated French subjects, but also preferred what certainly appeared at first sight to be rather a novel demand for one independent state to make to another as a *sine quâ non* for avoiding the consequences of a declaration of war—that the French inhabitants settled in Mexico, should be entitled to carry on a retail trade on the same footing as Mexican subjects. The notification made by the French Chargé d’Affaires to the Mexican authorities, in March 1838, was couched in the following terms:—“Should, which God forbid, this answer,” to the three demands, that was, “be in the negative upon only one point, should it even be doubtful upon only one point, should it finally be delayed beyond the 15th of April, the undersigned must then immediately place the continuation of this affair in the hands of the senior commander of his Majesty’s naval forces, of which a division is actually on the coast of Mexico, and this officer will put in execution the orders he has already received.” This, then, was a decisive proof that the French naval force was on the coast in March 1838, and the commander of that force had orders, if satisfaction were not given, to enforce the reparation. He said not a word as to whether or not the French government were right in demanding reparation in this fashion, but, assuming that France was perfectly justified, surely, when her navy was to be used for enforcing her rights, the British subjects in Vera Cruz and other places had a right to be protected. How was it possible for a powerful country like France to proceed to exact reparation by violent means, without so far endangering the security of the lives and property of British subjects as to make the intervention of the mother country necessary? Necessary for what purpose? To attack the French? No, but to give confidence to British subjects—to form a guarantee, that right and justice would be observed in carrying the projected hostile operations into effect. Early in summer, in July at the latest, they knew that France was fitting out an expedition against Mexico. The French squadron sailed from Brest on the 13th of September, and arrived at Vera Cruz about the 25th of October. The bombardment of San Juan d’Ulloa was executed on the 27th of November. After all the warnings we had had of the danger to which British interests were about to be exposed, we had no British minister resident in Mexico. He believed, that Mr. Pakenham did not arrive till after the attack. [Viscount Palmerston: there was a British consul on the spot]. He did not mean to say, that the British embassy was absolutely vacant, or that no subordinate officer was present; but he must say, when most important interests were exposed to imminent danger, there ought to have been a British minister, and not a consul, to look to them. The minister did not arrive at Vera Cruz till the 22nd of December, while the attack on San Juan d’Ulloa took place on the 27th of November, and that on Vera Cruz on the 4th or 5th of December. What naval force was there on the coast of Mexico to afford protection to British subjects? Was there a single British ship of war at Vera Cruz at the time when the attack was made? He did not ask the question without reason,

as would be seen by the account of the transactions which then took place, which he would quote purposely from the papers that were supposed to vindicate the policy of government. He found this statement of facts in the *Globe* newspaper of the 8th of February, professing to come from a correspondent at Falmouth:—"They say that the French would have been cut off but for the distance of the army from the city, and the unexpectedness of the disembarkation of the French, as the British vice-consul is said by Santa Anna to have pledged himself most faithfully for the French, that they were not to disembark until after eight o'clock in the morning. The situation of the British inhabitants may be conceived, when it is related that not a single man-of-war lay there."

The *Satellite*, a sixteen gun-brig, stated to have been at Vera Cruz, was said by this correspondent to have gone on a cruise during the negotiation of a treaty, which would throw the whole of the losses sustained by the British on the government, as the commander of the *Satellite* must have been aware of the difficulties that existed, and that the treaty, having been offered during the bombardment, would never have been acceded to by the Mexicans. He (Sir R. Peel) would say nothing as to the doctrine maintained by the writer—that government was liable for the losses of British subjects, but he wished to know why the single British ship of war should have left the neighbourhood of Vera Cruz after the capture of San Juan d'Ulloa. Even if it had remained there, would it be contended, that with our twenty-one sail-of-the-line and 34,000 seamen and marines, a single brig of sixteen guns could afford sufficient protection to our interests? He (Sir R. Peel) was anxious to say nothing that might prevent any pending negotiations from being brought to a satisfactory conclusion; his questions were mainly directed, not to the claims of France, but the conduct of her Majesty's government. This correspondent stated, that, "however, after the first movement of the French, about thirty persons obtained a refuge on board the *Express*, and the day after she left the Madagascar arrived."

"The *Express*, he (Sir Robert Peel) believed, left on the 15th of December. The *Morning Chronicle*, in the account received from its correspondent, stated, "The greater part of the wealthy inhabitants of Vera Cruz had proceeded to Jalapa, taking with them their valuables. No British ship of war was at Vera Cruz at the time of this occurrence, and the *Express* packet was therefore detained to receive on board the British subjects."

If government replied to him, Where was the use of having the British force in the neighbourhood of Vera Cruz, or on the coast of Mexico, when we acknowledge the right of the French to blockade the coast, when we say that France is justified by the law of nations in taking this course to obtain redress for the injuries she has suffered? Then, he would ask, Why have you a squadron on the coast of Mexico at present? What was your object in withdrawing the whole of your force from the North American station, and despatching it to the Gulf of Mexico? Not, he presumed, to attack the French force. He trusted there was no ground for apprehending that. He presumed it was to prevent, in the excitement consequent upon a conflict, the possibility of outrage being committed by unauthorized parties on the property or the personal safety of British subjects, or to give them the means of escape, and provide them with some better resource in the time of danger than the *Express* packet. Well, but how did it happen, that with such ample notice that war was meditated by France, or at least hostile operations—for war, be it observed, had never been declared—and with such ample appliances for the protection of British commerce, the first duty of government, that of providing for the safety of its subjects from hostile assaults, had been for a long time entirely neglected? According to the statement he had read, there had been no ship at hand to watch over our interests but a little gun-brig after the 1st of December; and after that day even that source of protection was cut off, for the *Satellite* left the coast. He said, government had ample means of protecting British commerce. Why, we had now eleven sail-of-the-line in the Mediterranean. The statement made by the hon. gentleman opposite (Mr. C. Wood) the other night was, that there was no necessity for keeping eleven sail-of-the-line on that station; that no dangers menacing British interests in that quarter required a preponderating force; but that it was better to employ these ships in the Mediterranean than to retain them at home. Now, either it was necessary to keep eleven sail-of-the-line in the Mediterranean,

or it was not. If it were necessary to have eleven sail-of-the-line in the Mediterranean, and two at Lisbon, then all he could say was, that the remaining seven sail-of-the line in commission were very inadequate to the duty of protecting the coasts of this country, and meeting unforeseen dangers that might assail us without warning. If, on the other hand, so many ships were not wanted in the Mediterranean, why were not five or six sail recalled to the home station to be kept as a reserve, ready to be called into action on unlooked-for contingencies? He wished to have an explanation from government as to the present distribution of the naval force. He could not account for the disproportion between the force at present maintained at home, and that maintained at former periods. How was it possible for ministers now to get a force ready speedily in case of any unexpected emergency? Suppose they had had to send out the ships to Mexico at short notice from the home station, how could they have effected it? The hon. gentleman opposite had told them it was not necessary to keep ships at home, because they could send out a steam-vessel to the Mediterranean station, and recall them in a very short space of time. That, however, was but a frail stay on which to place dependence, subject, as such a communication must be, to so many accidents from the weather, and from the risk of capture. What progress had been made lately in fitting out ships wanted to relieve others on foreign stations? The *Malabar* had lately returned from the American station, and it became necessary to supply her place by the *Implacable*. Would the hon. gentleman, the secretary to the Admiralty, state to the House, how much time had been consumed in fitting out that single ship of the line? If the ordinary at home was in such a state of forwardness that it could be brought speedily forward for active service, he greatly doubted whether they would have withdrawn their ships from the American station, and not rather have sent them out to Mexico from this country. If they kept eleven sail of-the-line in the Mediterranean, without any demand for their services, and two sail at Lisbon, while it appeared that, at the same time, there was but one ship-of-war, or not even one, present during the bombardment of San Juan, and the capture or assault of Vera Cruz, to give protection to British property, he knew not what vindication of themselves government could make to the commercial interests of this country. Look at the force of 1792, at a time of profound peace. In that year we had eleven guard-ships protecting the coast of Great Britain. In 1834, on the 1st of December, preceding his own appointment to office, we had not, except stationary ships, a single sail of-the-line on the home station. He could not see the wisdom of this policy, even although there might be no immediate danger of invasion. It was surely imprudent in the government of a country possessing such a vastly extended commerce, to leave the great naval ports without the means of meeting unforeseen demands upon our navy, that might be created by such events as had lately occurred at Buenos Ayres and Vera Cruz. He greatly feared that in such cases the absence of a British naval force—he did not mean a force with hostile intentions, for he trusted the assertion of the hon. secretary to the Admiralty, who had assured them that we might keep a sufficient force at Mexico without in the slightest degree endangering a collision with France—would always be attended with results disadvantageous to this country. If we appeared to take no interest in such events—if we abandoned the great arm of our supremacy, and permitted other powers to have a predominance over us in these expeditions—if we allowed great powers to exact hard conditions from independent states, and say, “If you fail to give us satisfaction in every one of the points we insist on, we will take your capital, and sack your towns;” and if we sent no British force to the scene of operations to watch over the lives and property of the Queen’s subjects, the commanding influence of this country would be diminished in those distant quarters of the globe, and we might come to regret that some of the eleven ships on the Mediterranean station had not been more usefully employed in demonstrating that Britain had not quite forgotten the existence of those regions. How likely was it, that in the excitement and heat of the contending parties, acts might be done, perhaps, without the intention to offend, which might place us under the disagreeable necessity of demanding reparation? An instance of this had but lately occurred—a British pilot had been taken out of the only ship of war we had on the coast of Mexico, the *Express* packet. He earnestly and fervently hoped that that act might not create any even temporary misunderstanding between two

great countries. He should avoid saying one single word that could by possibility throw any difficulty in the way of an arrangement, perfectly satisfactory and honourable to both countries. I feel, said the right hon. baronet, the most perfect confidence that a great country like France, jealous of its own honour, will be the first to respect the honour of other countries. I have the greatest confidence that the remarkable and distinguished man who fills the throne of France, and rules the destinies of her people, who exercises the influence he possesses over the councils of that country less because he is its monarch, and has the regal state, than because, as I firmly believe, he combines in himself greater qualities for empire than any of its kings since the time of Napoleon, because he has known the vicissitudes of adversity and prosperity, and been taught sagacity by exposure to misfortune; because he has had wonderful opportunities of exhibiting both personal and moral courage—opportunities that are rarely given to any other man; because, from the union in him of so great courage, fortitude, experience, and prudence, he will be regarded by posterity in France as inferior only to the great warrior-statesman I have mentioned—I repeat, that I have the greatest confidence that under such auspices an amicable and mutually satisfactory arrangement may be effected. I can readily believe that, in the warmth and hurry of conflict, injuries may be inflicted for which, although unintentionally offered, it may become necessary to demand reparation. But what I want to know—and the time must come when we must know it, for the satisfaction of the people of England—is, what has actually taken place? My advice is, do not call for the information precipitately. Keep the question of the conduct of government entirely separate from the question of our relations with France. Avoid any thing which may wound the sensitive feelings of the French people; do not be too hasty in demanding acknowledgments which may preclude the possibility of a satisfactory arrangement; but this we must know—what steps have government taken in order to set this question in a light perfectly satisfactory? It appears, that the officer in command of the packet offered no resistance to the proceeding of the French captain. I do not mean to assert, that the officer should have made any such chivalrous and romantic resistance as would have risked the lives of his men for the purpose of protecting the pilot. But it was clear, that the French had no right to remove the pilot; and the officer ought, at least, to have made a strong remonstrance. He ought to have said, “To superior force I will yield, but to nothing but superior force. I stand upon the deck overpowered; you may take the pilot; I will not offer a resistance that I know must be fruitless; I will not peril the lives of my gallant crew, and run the chance of being sunk if I fire at you; but I surrender to superior force, and I strike my flag.” We must know, pursued the right hon. baronet, if we stand upon that footing; we must also know, how it happens that the admiral in command failed to give a direct and immediate account of a transaction so important. This occurrence took place on the 4th of December; this is the 11th of March, and yet we are imperfectly informed on the whole transaction. We must know what were the feelings entertained by a British officer in command, that could prevent him from immediately communicating with the Admiralty, and giving the fullest explanation. He knew, the right hon. baronet proceeded, the Admiralty must be aware of all the circumstances of the transaction, but he, for one, would forbear to call for them at the present moment, because he wished to throw no difficulty in the way of a settlement. Of course, the moment that Lieutenant Croke landed on the British shore, he was at the command of the Admiralty. The Admiralty could not mean to say, that because that officer wrote a letter to some consul, or other authority, which reached them through a third channel, they should remain inactive on his landing, without directing his immediate appearance before them, and requiring from him a full and sufficient account of the affair. They must see also what was the nature of the apology stated to have been made to the British admiral. He took it for granted that such an apology had been given, and he trusted it had been satisfactory. He hoped that, if for no other purpose, yet for that of preventing the principles of international law from being unsettled by any rash or unwarrantable act, and for the prevention of the enormous evils which must ensue, if the British flag, or any other neutral flag, were not considered a safe protection to those who sailed under it, occupied, for instance, in delivering the ship from peril in their capacity of pilots, all the circumstances of this transac-



tion would remain upon record. He had now brought his observations to a close. He had said before, that he would cordially aid the government in providing means for placing at our command a more efficient navy than we at present possessed: he would support any increase that government might propose in the estimates, with the object of widening, if he might so say, the foundations of our naval power, and securing a regular supply of ships to be built from time to time. As he had stated, he should neither withhold his assent to the present estimates, nor should he press for information at present on the topics to which he had referred. But the three topics on which he had risen, principally with a view of insisting, were, first, his complaint of the neglect displayed by government of the increasing demands for protection made at the present time by British commerce in every part of the world; secondly, he had put forth his defence of his own government for not bringing forward larger estimates; and, thirdly, he had stated the ground on which he had imputed misconduct to the board of Admiralty, that, with the votes they had taken, and the number of men, and of sail of the line they had at their disposal, they should have so far neglected British interests in South America, and especially on the coast of Mexico, as the information before the country, if it were true, warranted him in asserting. But he should wish to ask at some future period, if it were possible that San Juan d'Ulloa was taken on the 27th of November, and the attack on Vera Cruz was made on the 5th of December, but that the British fleet did not arrive in the offing until the 31st December, and that even when Vera Cruz was taken, that small fleet neglected to give due assistance to the British commercial interests in the place? He did think that the time would come when the country would require on these points a full explanation, as well as on that other point, of the insult which had been offered to the national flag, when (he could most sincerely say) he hoped to have the satisfaction to learn, that nothing had been omitted, on the part of the government, to provide for the interests of British commerce, and to exact reparation for the insult which had been offered to the honour of the navy.

Vote agreed to.

## CORN LAWS.

MARCH 15, 1839.

In the fourth night's debate on Mr. C. P. Villiers' motion, "That the House resolve itself into a committee of the whole House to take into consideration the Act 9 George IV., regulating the importation of foreign grain,—

SIR ROBERT PEEL spoke as follows:—Sir, as this is the fourth night of the debate upon the corn-laws, and as I do not intend to avail myself of those daily discussions upon collateral topics with which we have been threatened by the hon. gentleman, (the menace of which is infinitely more formidable to me than that of the physical force to which he has alluded,) I desire to take advantage of this opportunity to express my opinions upon this subject. The hon. gentleman, in the conclusion of his observations, deprecated unanimity upon this side of the House. He exhorted us not to exhibit to an admiring country, so extraordinary a contrast with his own side of the House, and especially with her Majesty's government. Now if the hon. gentleman had deprecated unanimity amongst the agricultural members, for fear that it might be inferred, that they were influenced by motives of self-interest, I could understand his exhortation to disunion; but that which he fears and deprecates, is not the harmonious action of a single and exclusive class, swayed by the same fears and motives; he evidently anticipates from the progress of this discussion, and from the preponderance of the argument, that the representatives of the agricultural, the commercial, and the manufacturing interests, out of deference to the opinions and feelings of their respective constituents, will unite in resistance to the repeal of the corn-laws, not in order to protect the special interests of one class of the community, but the general interests of the whole. There are two modes of arguing a question of this kind. The first, and that which is infinitely the most convenient to the speaker, and the most palatable to a popular assembly, is to avoid any reference to dry details and close reasoning, to seize on some weak point in the

speech of an incautious adversary, or to make an appeal on some party ground to the excited feelings and passions of your audience. The other is calmly to review the arguments opposed to you which have been chiefly relied upon in debate, to assign to such as cannot be satisfactorily answered their proper weight, and to attempt to refute those which may admit of refutation. This latter is the course I mean to pursue, from deep conviction of the magnitude of the question, and respect for the interests involved in it; but in order to pursue it satisfactorily, I must claim that patience and attention, which I incur the risk of forfeiting by preferring arguments and details, dull and uninteresting in themselves, to more popular and exciting appeals. I wish to review generally the reasons that have been alleged for a repeal or material alteration of the corn-laws; not those only that have been relied on in the present discussion, but those also which, though apparently forgotten in this particular debate, were mainly insisted on at the commencement of corn-law agitation. Before these debates began, and previously to the commencement of this session, I inferred that the chief stress would be laid upon the decaying state of commerce and manufactures. When I found that agitation was determined on, that the board of delegates had been constituted, that appeals were made to physical force, that the aristocracy and the landed proprietors of the country were denounced to public vengeance by those portions of the press which are generally the advocates of the existing government, I thought that the depressed state of commerce and of manufactures, and the impoverished condition of the mechanic and artisan, would be brought prominently forward. But what has become in this debate of the depressed state of manufactures? Why have the delegates been forgotten? When the member for Kendal (Mr. G. W. Wood) stated on the first night of the session, that manufactures were recovering from depression, and that the general commerce of the country was in a sound and satisfactory state, he provoked the utmost indignation by the manly candour of his avowals. Was he right or was he wrong in his statements? If he was right, why has he been punished for his honesty? If he was wrong, why have not you exposed his error? The fact is, you know that he was right, and that official documents, since published, have confirmed his statements. You know there could have been no permanent advantage in his concealment of facts, which if withheld, those documents must shortly have exhibited. The displeasure which he has incurred, the punishment with which he has been visited, prove that he deprived the advocates for repeal of the argument on which they had mainly relied, when he publicly proclaimed, with the authority belonging to his name and station, that manufactures were rapidly reviving, and that commerce was in a satisfactory condition. The member for Kendal, holding the high office of president of the Chamber of Commerce for Manchester, disposed of the first allegation—namely, of present decay, and general distress—when he declared it to be his opinion, that the commerce of England is at the present moment in a most satisfactory condition—that he never recollected a period when the return to a state of healthy commerce and of comparative prosperity followed so rapidly a season of preceding depression; when he showed that the shipping interest of the country is now in a vigorous condition, and is rapidly extending; and that, comparing the exports of the principal objects of British manufacture in the year 1838, with the average of the four preceding years, there is an excess in favour of the former of £3,112,000 of declared value, being an increase of  $7\frac{1}{2}$  per cent. When it became necessary to abandon the first position, another was assumed. It was said—“True, the general amount of exports has increased, but the increase has taken place in respect to those articles which most nearly approach the raw material itself, for the production of which the least degree of manual skill and labour is required, and which constitute the elements of foreign manufactures, competing with, and injuring our own. The very increase, therefore, so far from being an indication of prosperity, is a sign of decay.”

The member for Manchester (Mr. Phillips) takes this view of the question, and assures us that there is ground for serious apprehension with respect to the future stability of our manufacturing and commercial superiority. I should attach the utmost importance to these apprehensions, if they were shewn to be well-founded. So intimate is the sympathy between the condition of agriculture and trade, so powerful and immediate is the force of their reciprocal action upon each other, that if the prosperity of trade be endangered, the narrowest and most exclusive advocate

of the interests of agriculture cannot be blind to the consequence. But the member for Manchester should not demand from us implicit faith in mere predictions. He should explain the ground on which his apprehensions are founded. If they are fortified by argument, or official documents, they are entitled to the utmost respect; but prediction without argument, and apprehensions not sustained by official returns, cannot be considered conclusive. I place against the authority of the member for Manchester, high as it unquestionably is, this paper, entitled "Trade and Navigation," delivered within the last week, not called for by an advocate of the corn-laws, but presented by her Majesty's command. This paper, the most recent and most authentic document we have, does not corroborate the statement that our exports of those branches of manufacture into which skill and manual labour enter, are upon the decline. On the contrary, this paper exhibits a very rapid recovery from depression. It contains a comparative view of the exports of British produce and manufactures, and an account of the shipping employed in the foreign and coasting trade for the years 1837 and 1838. Now, in the year ending the 30th September 1837, the average price of corn was 56*s.* 5*d.* In the latter year, ending on the same day, it was 69*s.* 10*d.* We have, therefore, an advance in the price of subsistence, and whatever may be the tendency of such an advance, the immediate effect of it has not been to repress the elastic energy and buoyancy of manufacturing industry, so far as we can form a judgment from this return. The total declared value of exports in the two years respectively is as follows:—1837—£36,228,468.—1838—£43,338,839.

Let us now refer to the items of which this general aggregate is formed, for the purpose of inquiring how far the allegation is correct, that although the general result may appear to be favourable, it is in fact otherwise, on account of the relative increase of the export of those articles, which are rather the foundations for foreign manufactures, than the elaborate produce of our own.

	Declared value 1837.	Declared value 1838.
In Woollen-yarn the export was .....	£333,098	£365,657
In Cotton-yarn.....	6,965,942	7,430,582
In Linen-yarn.....	479,000	655,000

exhibiting an increase no doubt in the export of articles into which labour and skill enter only in a slight degree.

But then the increase in Woollen manufactures, other than Yarn, was from £4,660,000 in 1837, to £5,792,000 in 1838.

In Cotton manufactures, from £13,640,000 in 1837, to £16,700,000 in 1838.

In Linen manufactures, from £2,133,000 in 1837, to £2,919,000 in 1838.

In Glass there was a decline from £477,000 in 1837, to £376,000 in 1838.

But in Silk manufactures there was an increase, from £503,000 in 1837, to £778,000 in 1838.

In Hardware and Cutlery, from £1,460,800 in 1837, to £1,507,000 in 1838.

In Earthenware, from £563,000 in 1837, to £670,000 in 1838.

Now, looking either at the general result, of an increase in our total exports, from £36,228,000 in 1837, to £43,338,000 in 1838, or at the increase in specific articles of export, can it be denied that such an instance of recovery from depression, coincident with an increase in the price of food, is a satisfactory indication that the foundations of our manufacturing superiority are not undermined by the rivalry of foreign powers, and at any rate, not undermined through the operation of the Corn-laws? It was said, on a former occasion, that a mere increase in the quantity of exported articles is no test of manufacturing prosperity; that the money value may have declined while the quantity has increased. Be it so;—but the calculations to which I have been referring, are calculations not of quantity but of money value. The same official paper contains an account of the shipping employed in the foreign and coasting trade in 1837, and 1838:—In the first year there were 18,113 vessels employed in the Foreign trade, of which, 12,252 were British vessels. "In the last year, 19,639, of which 12,890 were British."

Now for the next allegation. It was to this effect:—"All this may be true, but it has become necessary, in order to maintain the contest for manufacturing superiority

with other nations, to make so large a reduction in the price of the exported article, that the home manufacture is carried on with scarcely any profitable return to those engaged in it. Compare the proportion which the declared value of our exports in late years has borne to the quantity, with the proportion which it bore in former years, and you will find that the value is almost stationary, or perhaps declining, while the quantity rapidly increased."

This was the position of Alderman Waithman, which he manfully maintained for several successive years, notwithstanding he could procure no support for it. We admit the fact, that the price of the exported article, in many branches of manufacture, has declined; but we deny that it follows, as a just inference from that fact, that profits have been proportionally affected. It is impossible to make this point more clear, or to quote higher authority upon it, than by referring to statements made, and evidence given by manufacturers of Manchester of the highest character. In the year 1830, a committee inquired into the state of the East India trade, and the policy of opening it to British enterprise. Mr. Birley, a former president of the Chamber of Commerce of Manchester, and Mr. Kennedy, were examined before that committee. Their object was to show the probability that there would be a great export of cotton twist to India, if the trade were opened; and a paper prepared by Mr. Lee of Manchester, from which the following is an extract, was produced for that purpose. "In the year 1782, cotton twist, by Sir R. Arkwright's invention, exceeded the cost of the raw material 20s. in the pound for what is called in the trade No. 60. It now exceeds it by the mule only 1s. 6d. per lb., and taking into account the depreciation in the value of money, it cannot be estimated at less than a reduction of from 20s. to 9d. per pound—an astonishing instance of skill and economy superadded to the great advancement in both previously made by Sir R. Arkwright."

Q. "Can you furnish the committee with a comparison of the cost of labour in producing yarns in England in 1812 and 1830?"

A. "I can. I have a statement showing it by the pound; and also the price of a continuous thread a mile long, in 1812 and 1830:

Price of cotton.		Price of labour.	
1812	1830	1812	1830
2s.	10d.	1s. 6d.	1s. 0½d.

Cost of manufactured article per lb.

In 1812	.	.	.	.	.	3s. 6d.
In 1830	.	.	.	.	.	1s. 10½d.

"Is it then a matter of surprise that the selling price of a manufactured article should be reduced, when there is a reduction of one hundred per cent. in the price of the raw material, and when, by the wonderful contrivances of mechanical ingenuity, the same manufactured article which in 1782 cost in labour twenty shillings the pound, in 1812 cost eighteenpence?"

"It may be said, that there was a difference in the price of labour between 1812 and 1830?—There was not—the price of labour, in Mr. Kennedy's calculations for the two periods, is the same."

He says,—“In 1812 and 1830 the wages of labour are estimated at twentypence per diem for every person employed, including men, women, and children. The reduction, therefore, in the cost of labour was not a reduction of wages.”

It has been observed in this debate, that British manufactured articles are selling in foreign markets for less than prime cost, and that foreign markets are overstocked. Hear Mr. Kennedy also on this point. He was asked—“Do not you know that English manufactures at the present instant in India are now selling below the prime cost?”

He replied—“There is not a market in the world which we do not sometimes overstock, but I always expect good to result from that.”

At the same time I do not deny, that considering the extent of competition, there may be a material reduction of the profits of manufacturers, and that the pressure of such reduction is severely felt by many of them who have small establishments and a limited command of capital. They contend to a disadvantage with those who can undersell them in consequence of the employment of large numbers of operatives,

in new manufactories built on the most improved principles, and filled with the best machinery. The position of the small capitalist does not materially differ in principle (I trust it does in degree) from that of the hand-loom weavers, after the invention of the power-loom. But this disadvantage to the small manufacturer is not traceable to the Corn-laws. It is not caused by the reduction of profits. If the large capitalist could realise a profit of twenty per cent. instead of the present amount of his profits (small as it may be), he would equally avail himself of the advantage to which his capital and consequent command over both labour and machinery entitle him. But if profits are so unreasonably low, how does it happen that the number of new factories has greatly increased within the last few years, that the factory destroyed by accident is instantly replaced, and that new factories are constantly erected? The reason sometimes given, namely, that those who are already embarked in manufacturing speculations, find it necessary to extend their establishments for the purpose of increasing the scanty amount of profit, is not very satisfactory. It does not at any rate account for the building of new factories by new speculators. It is said indeed, that although new factories have been built, and old ones enlarged, this has not taken place very recently; nay, more, that many of the factories so built are at present either totally or partially closed. This was said especially in the case of Preston, I believe. Now I hold in my hand a letter from Preston, calculated to mitigate the apprehensions on this head, which former statements may have caused. This letter positively declares that only two mills, and those very small ones, have reduced the time of working; that the owner of one of these mills is a Corn-law delegate; and that the owners of both of them, finding no other persons prepared to follow their example, have wisely resolved to sail with the stream, and resume their accustomed labours. The last and the most important statement of the manufacturers was to this effect: "All this may be very true; the declared value of exports may have increased, more mills may have been built, yet the increased quantity of manufactured goods is produced in consequence of the reduction of the wages of the labourer, and of exacting from him a degree of labour which he is unable to bear." Now, I consider this statement, that the condition of the labourer has been rendered worse by the operation of the Corn-law, a most important one, and I have no hesitation in saying, that unless the existence of the Corn-law can be shown to be consistent, not only with the prosperity of agriculture and the maintenance of the landlord's interest, but also with the protection, and the maintenance of the general interests of the country, and especially with the improvement of the condition of the labouring class, the Corn-law is practically at an end. But let us look to those documents which contain evidence as to the general condition of the working classes, and do they, I ask, show that the condition of the poor in those towns where manufactures are chiefly carried on has been rendered worse, or their comforts curtailed? I do not allude to those peculiar cases of individual suffering which will always be found where there are such complicated relations of society as exist in England. It will ever be the case that there will be particular cases of distress and suffering calculated to awaken our deepest sympathy; but the argument from individual cases of privation is not conclusive. It admits, too, of easy application to agricultural distress in case the Corn-laws were repealed, and the poor soils thrown out of cultivation. We might adduce the case of the peasant advanced in life, attached to the spot of his birth, able and willing to labour, unfit for any other than rural occupations, banished from home, and forced to seek a scanty subsistence in a manufacturing town. We should look at general results, and though not altogether satisfactory, yet perhaps no better evidence as to general results can be had than the Reports of the Savings' Banks. You say that your object is, that the manufacturing class should not merely be enabled to provide themselves with the means of daily subsistence, but to lay by something for the future comfort of themselves and their families. A wise and benevolent object! Let us see whether it is altogether frustrated. First, take the case of Liverpool. I direct attention to Liverpool, because it is the port most extensively engaged in the export of manufactured goods, and would consequently immediately feel the effects of any decrease in manufacturing prosperity. I am fortunately enabled to institute a comparison between the first period of the operation of the Corn-laws and the latter period, and thus to ascertain if any injurious effects have been produced upon the population of

that important town by those laws. I shall refer to the first four years which elapsed after the commencement of the present Corn-laws, and the four years last past.

During the first four years, namely, the years 1829, 1830, 1831, and 1832, commencing the 20th of November, 1828, and ending the 20th of November, 1832, the number of new accounts opened in the Liverpool Savings' Bank was, according to this statement . . .	1,300		
The average amount of deposits . . .		£55,000	0 0
During the last four years, namely, 1835, 1836, 1837, 1838—commencing the 20th of November, 1834, and ending the 20th of November, 1838, the average number of new accounts opened was . . .	2,040		
The average amount of deposits . . .		£80,000	0 0

Now, does this, I ask, indicate any decline in the condition of the population of Liverpool under the operation of this Corn-law? But I have not confined my inquiries to Liverpool. I was also enabled to produce to the House a comparison of the amount of deposits and the number of accounts in the town of Nottingham.

In the three months of November, December, and January, 1837-8, the amount of deposits in the savings' bank was . . .	£	s.	d.
And in the three months of November, December, and January, 1838-9, the amount of deposits was . . .	12,270	4	6
In the first-named period the amount paid out of the bank was . . .	13,211	0	0
And in the latter period the amount of deposits paid out of the bank was . . .	10,096	0	0
	9,392	0	0

Thus showing that, in the three months which I have quoted of the last year, there was an increase of £940 in the amount of the money paid into the savings' bank, and a decrease of £700 in the money which had been drawn out. I have a return from Leicester, another town extensively engaged in manufactures.

In the year ending November 20, 1837, the number of depositors in the Leicester Savings' Bank, whose balances were below £20, was . . .	794		
And in the year ending the 20th of November, 1838, the number of depositors under £20, was . . .	916		
The amount of sums deposited in 1837 was . . .	£ 9,843	0	0
And in 1838 . . .	10,742	0	0
The total number of depositors in the first year was . . .	1,682		
And the number in the last year . . .	1,876		

I have also made inquiries of a similar character with respect to Birmingham.			
In Birmingham, during the three months of November, December, and January, 1837-8, the amount received at the savings' bank was . . .	£	s.	d.
And the amount paid out to depositors by the bank was . . .	12,297	15	4
In the three months—November, December, and January, 1838-9, the amount of deposits was . . .	9,907	13	2
And the amount paid by the bank to the depositors . . .	14,870	6	10
	8,554	5	4

Showing an increase of the deposits, and a decrease of the money paid out by the bank. Of course, I have not omitted from my inquiry the chief seats of the cotton manufacture—Glasgow and Manchester. Before I refer to the report of the savings' bank at Glasgow, let me pause a moment, to contemplate the wonderful increase in the population and wealth of that great city—an increase, coincident with the operation of those laws which have given protection to domestic agriculture. In 1812 the population of Glasgow amounted to 103,743. The harbour dues received were £4,800. In 1838 the population amounted to 262,000. The harbour dues to £40,260. The increase in the consumption of coal is a still more striking indication of increasing industry, and productive power. In 1831, that is, shortly after the present Corn-laws came into operation, the consumption of coal in Glasgow, was calculated at 561,000 tons. In 1838, the Corn-laws having been in force during the whole

interval, having exercised whatever of prejudicial influence they can exercise upon the enterprise and industry of Glasgow, the consumption of coal in the short space of seven years was more than doubled, amounting to no less than 1,200,000 tons. But to return to the savings' banks; the report from which I quote is the third report of the National Savings' Bank of Glasgow, made on the 22nd of February, 1839. It contains a comparative account of the state of the savings' bank in the two years ending 20th of November, 1837 and 1838 respectively.

In the first year the number of new entrants was	3,711
In the second year	4,694
In the first year the amount of deposits was	£48,193
In the second	75,798

In the first year, the number of depositors from the class of mechanics and artificers was 1,905. In the second, from the same class, 3,119. In the first year, from the class of factory operatives, there were 3,824 depositors. In the second, 6,342. In the first year, the average of the balances of individual depositors below £20, was £5:15:5. The average of the second year £5:17:11, the increase being only 2s. 6d. But how is this small increase in the average accounted for? "The great number of new entrants," says the report, "upon very small weekly deposits, is the true and gratifying reason of the apparently slow advancement in the money average of that welcome and deserving class 'not exceeding £20,' for whose benefit—from steady perseverance and provident habits—the savings' bank was especially intended." The last report of savings' banks to which I shall refer, is that of Manchester and Salford. The report was made on 4th of January, 1839. Among the vice-presidents and trustees of the institution for the present year are—

Right Hon. C. P. Thomson, M.P.	Geo. Wm. Wood, Esq., M.P.
Mark Phillips, Esq., M.P.	Jos. Brotherton, Esq., M.P.

The report observes:—"In submitting to the public their twenty-first annual report, the committee feel great pleasure in drawing attention to the gratifying result of their transactions with depositors during the past year. Since their last report, 3,346 new accounts have been opened, 20,453 deposits made, and £109,123:13:3½ deposited; showing an increase in the business unprecedented in the experience of the institution, the repayments to depositors being proportionally decreased. The difference this year, as compared with the last, is £42,697:16:11½ in favour of depositors, and the number of open accounts being now 11,862, shews an increase in them of 1,617."

The prospects of the future are still brighter. The report continues:—"Notwithstanding this so far most satisfactory progress, the population of Manchester and its neighbourhood affords scope for a much greater extension."

It must have been about the time that this report was in preparation, while the manager and officers of the institution were congratulating themselves on the present success of the savings' bank, and on the hope of its rapid extension, and were thus bearing public testimony to the improved condition of the manufacturing classes in Manchester and Salford; that in those very towns commenced the system of agitation which has received the sanction of the President of the Board of Trade. Then it was that the delegates were appointed, and meetings organized, and lectures to the labouring classes prepared, for the purpose of stirring up impatience and indignation with the Corn-laws, as the main causes of whatever evils they were exposed to. Then it was that those organs of public intelligence, which most strenuously support her Majesty's government, were denouncing the aristocracy and the landed proprietors as selfish tyrants, fattening on the labour and sufferings of the exhausted poor, and provoking (if other means should fail) the resort to physical force. True it is, the attempt at agitation has failed, not from the returning moderation and good sense of its authors, but because their allegations of manufacturing distress and decaying commerce were contradicted by the member for Kendal, and by the official returns: and, above all, because they found themselves utterly powerless to guide the tempest which they were able to raise. They soon discovered that agitation could not be restricted within the limits they would assign it—that it could not be directed exclusively against the proprietors of land—that the confederates, on whom

they relied, would turn upon their leaders and tell them, whether truly or not I will not pretend to determine, "You who profess hostility to the landlords and aristocracy of the country—who impute to those classes of the community selfish motives—who attribute to them the desire to secure their own profits and to grind the poor—we will be no parties to your agitation—we will not lend ourselves to your schemes—we know that your only object is to increase the profits of the cotton spinner, and by lowering the price of corn, to lower at the same time the rate of wages." I abominate as much as any man the doctrines mixed up with opposition to the delegates and their projects; but, at the same time, it may be a salutary lesson to those who commence agitation, to find that the first to suffer by the lessons they have taught, are the agitators themselves. I here close the remarks I have to make with regard to the allegations of manufacturing distress, and shall proceed to review the main arguments relied on in the course of the present debate in favour of repeal or alteration of the Corn-laws. First, let us consider what these condemned Corn-laws have actually done. In the nine years intervening between the 30th of September, 1830, and the 30th of September 1838, the average price of wheat has been fifty-four shillings per quarter. Is this an unreasonably high price, compared with former periods, not of war, when the price of corn may have been raised by causes connected with war, but periods of peace?

	<i>s.</i>	<i>d.</i>
In 1793 wheat was	55	8 per quarter.
1792        ,,	53	0        ,,
1790        ,,	53	0        ,,
1789        ,,	56	0        ,,

The average price of the nine years preceeding the war of 1793, was fifty-one shillings. The mere price of corn either in the same country at different periods, or in different countries at the same period, is no satisfactory test either of comparative prosperity, or of the condition of the labouring classes. There might be much greater general prosperity, and much greater individual comfort under high nominal prices than under low. The year 1763, for instance, when the peace of Paris was concluded, is mentioned by writers upon the commerce and manufactures of this country, as the period at which its productive industry started into new life and energy, and began the glorious career which it was destined to run. Now let us compare the decennial prices of corn previously to 1763, with the decennial prices afterwards, and it will be seen that it is possible that manufactures may flourish, and the condition of the labouring classes improve, and yet the price of corn be on the increase at home, and also be higher in this country than in other countries. The inference is good for this, to disprove the assertion that cheap bread will necessarily benefit the working classes, and necessarily improve trade.

From 1735 to 1745 the average price of wheat according to the Windsor tables was	<i>s.</i>	<i>d.</i>
	32	1
From 1745 to 1755        .        .        .        .        .	31	3
From 1755 to 1765        .        .        .        .        .	39	4

The year 1765 was the commencement of new life and energy to productive industry, and what was the decennial average of the price of wheat subsequently?

	<i>s.</i>	<i>d.</i>
From 1765 to 1775        .        .        .        .        .	51	4
1775 to 1785        .        .        .        .        .	47	9
1785 to 1795        .        .        .        .        .	54	4

Showing a very considerable advance in the price of wheat in the periods of general ease and prosperity. I have remarked that the average price of corn for nine years, ending September 1838, during the prevalence of ordinary seasons, was not more than fifty-four shillings per quarter. It is said, however, that there was during that period great fluctuation in the price, that wheat was seventy-six shillings a quarter at one time, and thirty-six shillings at another, and again, seventy-five shillings and sixpence at a third. This is true; but such variations are, and will continue to be, the inevitable concomitants of variations in the supply, dependent mainly upon the influence of season; and it ought not to be forgotten that the weekly



averages show that the fall from the highest point to the lowest, and the ascent again from the lowest, was as gradual as it was possible to be under any system of Corn-laws. So much for ordinary seasons. After the autumn of 1838 the Corn-law is submitted to a new trial—the harvest having been a failing one, and there being a necessity for a large import of foreign corn. The imports of the years immediately preceding had been very limited. Our wants having been almost entirely supplied from our own produce, we had not encouraged the cultivation of foreign corn by regular periodical demands. But when the time of pressure arrived, was there any serious difficulty in procuring the requisite supply? Is it not the fact, that, without any interference on the part of the legislature or the government, by the silent unaided operation of the existing Corn-laws, the ports were opened to foreign grain, free of duty, and that two millions of quarters of foreign wheat have been available for our consumption? What has been the effect of restrictions on the import of foreign corn upon the agriculture of Ireland? In 1807, the number of quarters imported into this country from Ireland was 463,000. In that year, the markets of this country were opened, without restriction, to Irish corn. In 1830, the quantity of corn imported from Ireland was 2,215,000 quarters. In 1838, 3,474,000. With such facts before us, how the import of foreign corn is to be beneficial to Ireland, or to facilitate the establishment of manufactures in that country, I cannot comprehend. I shall now proceed to state—I hope fairly to state, the general outline and substance of the arguments mainly relied on by the speakers in favour of a change in the present law, who have preceded me. If I omit any important argument, the omission is not intentional. The following appears to me a fair summary of those arguments: That the Corn-laws have a tendency, by raising the price of corn at home, to encourage the manufacturing industry of rival nations, and to deteriorate the condition of the working classes at home; that by preventing a regular and certain demand for foreign corn, they derange commercial dealings and diminish the chance of adequate foreign supply at the period of its greatest necessity, caused by the failure of our own produce; that by the suddenness of the demand for foreign corn when the pressure does arise, it becomes necessary to send bullion in exchange for corn instead of manufactures, and thus to incur the risk of derangement of the currency, if not of a stoppage of payments by the bank; that the present Corn-laws tend to aggravate the opposite evils of a too abundant and of a deficient domestic supply, and that they have totally failed to realize the object for which, according to Mr. Canning, they were specially intended, and which he predicted they would fulfil, namely, to ensure moderation and steadiness of prices. These are, I believe, the main objections to the present Corn-laws relied on by our opponents. In addition to arguments against these laws, they have the candour also to furnish us with predictions as to the happy consequences which will follow their repeal, predictions which might carry with them some authority, if unfortunately the results which they profess to foresee, were not exactly of an opposite character. That I may avoid all risk of misrepresentation, I will quote the very words in which the prophecies were conveyed. I begin with the Member for the Tower Hamlets (Mr. Clay). He told us that “other of our chief articles of import, such as sugar, spices, tobacco, tea, wine, are objects of luxury, rather than of necessity—they are the produce likewise of limited portions of the globe, and those mostly distant from our shores; corn, on the contrary, forming the staple of human subsistence, there is scarcely any limit to the demand—if it were at a price within the reach of the labouring classes, and a great demand for our manufactures and full employment consequently afforded them the means of purchase. How wide too, were the regions, how vast the population, with which a free trade in corn would permit us to maintain a beneficial intercourse! There were few climates in which corn could not be produced, whilst it was almost the only staple which could be offered to us in exchange by countries, the vicinity of which would render commercial intercourse the most beneficial, and with which it was most important to us to preserve friendly relations. Almost the whole of central and northern Europe, by soil and climate, was fitted for the production of corn; throughout the wide regions watered by the Elbe, the Weser, and the Vistula, corn may be grown with advantage, and would be grown for our use, if we would permit its importation.” Here then would appear to be a boundless prospect of foreign

supply. But what chance would domestic agriculture have of competing with these happy regions? Who would employ capital on domestic improvement when it could be transferred with such profit to fertilize the rich wastes of central and northern Europe? There we are told land pays scarcely any rent, labour is at the rate of five pence a day. Steam is diminishing every hour the distances which separate nations, and skill and machinery will stimulate to an increase of a hundred fold the natural capabilities of a neglected but most fertile soil. All this may be consolatory enough to the manufacturer, but it should be whispered into his ear exclusively, for it is calculated to fill with dismay the proprietor and occupier of land at home. For them, however, there are more encouraging predictions, and, fortunately, from higher authority. Without disparaging that of the member for the Tower Hamlets, still, from his position, from his avocation, from the habitual caution of his nature, and unwillingness to pronounce opinions not founded on the strictest inquiry, and maturest consideration, the member for the city of London (Mr. Grote) is entitled to superior consideration. In the same ratio in which the city of London stands to the Tower Hamlets, is the authority of their respective representatives on the subject of the Corn-laws. And what says Mr. Grote? "I have taken some pains to acquaint myself with the prices of foreign corn, and with the quantities which might be obtained at those prices; for these two circumstances ought on no account to be separated in looking at the question of the foreign corn trade." Mr. Grote then proceeds to explain the grounds on which his conclusions are founded, by reference to the prices of wheat at Dantzic and Odessa, and observes: "It will be seen, therefore, that in estimating the probable import price under a free trade, assuming 1,000,000 quarters, at 45s., I make a large allowance for improvement and extension of culture in foreign lands. It is my impression, that under a perfectly free trade in corn, a quantity of about 1,000,000 quarters would be supplied from abroad in ordinary years out of the 15,000,000 quarters which we habitually consume in these islands; and that this supply would come at a price of about 45s." If any confirmation were required to the views of the member for the city of London, it is supplied by the member for Sheffield (Mr. Ward). He observes: "What had the agriculturist to fear? When it was considered that wheat was a very bulky article, that but a very small proportion of it comparatively, on an average not more than 250 quarters, could be brought in one vessel, that the range of the exporting countries was very small, he could not understand what the agricultural interest had to apprehend from a change, which, besides, could not be brought into full operation till after a long series of years. Which were the exporting countries? France with a population of thirty millions, and a bad system of agriculture, arising greatly out of a too minute subdivision of land, could never be an exporting country to any considerable extent. Spain, and the other southern countries of Europe, from want of internal communications and other circumstances, could not for a very long period, if at all, export a very large quantity of wheat. From Belgium and Holland we had nothing to fear. Sweden and Norway did not grow sufficient for their own consumption. Coming to Russia and the Baltic, what were the facts? The largest exports from the Baltic in those excellent years, 1802, 1810, and 1818, with the price at Danzig at 64s. 11d., never exceeded 680,000 quarters." Mr. Ward gives the price of corn at Berlin, Dantzic, and other places, and the quantities exported to England at various periods, and remarks: "Corn was cheaper, no doubt, at Odessa; but the amount of conveyance thence would be three times greater than in the other case; for, besides the freight, there would be the probable damage of much corn in the transit, not to mention that, even at Odessa, it was impossible to say what the price would be raised to, when the enormous amount of English demand came into the market there, where the supply was comparatively so limited. Besides, they had no stock, no farming implements, no manures, no well devised plan of cultivation, and a very small population." Now I am content to argue the question upon your positions and upon your statement of facts. The agriculturists, you say, need be under no apprehensions from foreign imports. The Baltic is almost the only source of supply. The total quantity of foreign wheat which can be imported with a free trade in corn will not exceed one million of quarters, and the price per quarter will be forty-five shillings. Why, if this be so, what shameful exaggerations must there have been of the pressure and evils of the present Corn-laws? How perfectly base-

less must be the anticipations, that there will be a boundless demand for our manufactures in exchange for foreign corn, if the Corn-laws were repealed! Within the last eight or nine years, we have actually imported from foreign countries not less on an average than 750,000 quarters of wheat per annum, and is it credible that the regular future demand for one million of quarters, that is, 250,000 quarters in addition to the past supply, will produce these enormous benefits? Will it again gravely be maintained that the Corn-laws impose a tax of eighteen or twenty millions on the people of this country, when all we are to hope for from their repeal, is an addition of 250,000 quarters to our imports of foreign wheat; the sole difference consisting in a regular, instead of a casual and occasional demand for this supply? Is this to raise the price on the continent to the level of prices at home? Is this to make a total revolution in the manufacturing industry of the continent, and to restore our pre-eminence by the destruction of foreign competition? Is the import of a little more wheat from the Baltic, to impede the progress in manufactures of France, Belgium, and Switzerland, not one of which countries, as we are told, is to increase their demand for our commodities by the export of corn? If Saxony can really undersell us in hosiery by 25 per cent., will so slight a cause restore the balance? What influence will the additional import of Baltic wheat have on the United States, our most formidable competitor, so far as the manufacture of cotton is concerned? The increase in the consumption of cotton for the purpose of manufacture since the year 1826, has been estimated at

In France	40 per cent.
In Europe, (exclusive of France)	100 per cent.
In the United States	160 per cent.
In Great Britain	129 per cent.

Can it be believed, looking at the present extent of our dealings in raw produce with the United States, that the import of a small additional quantity of corn will sensibly affect the relative position of the two countries, in respect to home manufacture? You taunt me with rejoicing in the successful prosecution of manufactures by other powers. I do not rejoice in it—I merely contend that it is the inevitable consequence of the return to peace, and the continuance of peace for nearly a quarter of a century. I do not participate in your surprise that a country like the United States, with the raw material at hand, as population increases, as towns and cities multiply, and as fertile land, easily accessible, becomes more scarce, should apply herself to the production of certain articles of manufacture. Your surprise reminds me of the Birmingham manufacturer, who prophesied, on the breaking out of war with England, that the crops of the United States would be devoured by vermin, because she had been supplied from Birmingham with mouse-traps, and had not skill enough to manufacture a mouse-trap at home. I will now consider the objection urged against the present laws in respect to the fluctuation of the price of corn in the home market. A speech of Mr. Canning has been quoted, in which he stated, that the great object of the shifting scale of duties was, to ensure steady prices, and expressed a confident hope that the prices of wheat would not vary more than from fifty-five to sixty-five shillings a quarter. The result has proved that it was unwise in Mr. Canning to attempt to prescribe exact limits to the range of variation; but it has not proved that either free trade, or a fixed duty would ensure a greater steadiness of price in an article so dependent upon the seasons as corn. Mr. Tooke, in his excellent treatise “On Prices,” discusses the remarkable variations in the price of corn during a series of years, and mainly attributes the rise and fall of the price to the abundance or deficiency of supply caused by favourable or unfavourable seasons. Mr. Tooke shows that a similarity of seasons prevails throughout a large portion of the world, and that countries within the same degree of latitude are visited with nearly the same vicissitudes of prosperity and failure with respect to agricultural supply. He relies not only on his own authority, but on that of Adam Smith, of Mr. Burke, and of Mr. Lowe for the fact. Adam Smith, speaking of the high price of corn between 1765 and 1776, attributes it to “the effect of unfavourable seasons throughout the greater part of Europe,” and expressly says that a long course of bad seasons, though not a very common event, is by no means a singular one. Mr. Tooke says, that there can be no reasonable doubt that bad seasons prevailed here,

and, in a still greater degree, throughout the rest of Europe, in the interval between 1765 and 1776, and quotes the valuable works of Mr. Lowe, on the present state of England to the following effect. "The public, particularly the untravelling part of the public, are hardly aware of the similarity of temperature prevailing through what may be called the corn country of Europe: we mean Great Britain, Ireland, the north of France, the Netherlands, Denmark, the north-west and north-east of Germany, and, in some measure, Poland. All this part is situated between 45 and 55 degrees of latitude, and subject, in a considerable degree, to the prevalence of similar winds." Mr Lowe remarks on the similarity of seasons in England and continental Europe, in several recent years which he names, in 1794, in 1798, in 1799. He says:—"In 1811 the harvest was deficient throughout the north-west of Europe, from one and the same cause, namely, blight, while that of 1816 was still more generally deficient from rain, and want of warmth." Now, if you are right in maintaining that the shores of the Baltic will afford our chief supply, and if, in reliance on that supply, we diminish materially the production of corn at home, the misfortune of a generally deficient harvest may involve us in the greatest peril. In ordinary seasons, we may safely trust to a regular supply from abroad, and the discouragement of home production may not be seriously felt—but if the common calamity should arrive (and Mr. Tooke and the highest authorities show that it ought to be foreseen), that we may have cause bitterly to repent our loss of independence, and to find that the encouragement we have given to home production, by restrictive duties, was a provident insurance against the dangers of famine. It will not be the hostility, it will not be the caprice of foreign nations, that will withhold from us the usual supply; but the paramount duty they owe to their own people will induce them, in the moment of real pressure, to take the very step which France and other countries of Europe have actually taken within the last six months, and interdict the exportation of grain. Should that event occur, it is possible that the wealth of England may command a considerable supply, but in proportion to the deficiency at home, in proportion to the suddenness of the demand, must be our exertions. According to your statements our chief dealings will be confined to the Baltic; Odessa and the United States are too distant to permit any regular import. We shall not then have encouraged, by our dealings with distant States in ordinary seasons, any superfluous supply, to be available in the moment of need. Should the corn-growing countries of the Baltic be visited, at the same time with ourselves, with a deficient harvest, we shall have to export bullion for the purchase of corn wherever we can find it, and thus encounter that very risk of deranging the money market, and suspending payments in cash, which you consider the peculiar defect of the present law. The more you increase your dependence on foreign supply, the more, as it appears to me, do you increase, in the event of severe and general pressure, the risk of a momentary derangement. I have been referring to the authority of Mr. Tooke, mainly for the purpose of shewing that the present Corn-law ought not to be condemned because it has not ensured steadiness of price; for, that under any system of law, in respect to an article so dependent as corn is upon the variability of seasons, to an article, of which the supply cannot be suddenly limited, or extended (as it may be in the case of manufactures) in proportion to the demand, there must be unavoidably great fluctuations of price. The case of wool has been referred to by the President of the Board of Trade, and by the Secretary at War (Lord Howick), as an example of the benefit to be expected from subjecting corn to similar regulations in respect to import. They are quite triumphant on the discovery, that since a fixed and very low duty was imposed upon the import of foreign wool, the price of wool in the home market has increased. But they never told us whether the price of wool had been more steady. Now, what is the fact? From 1819 to the end of 1824, there was a duty of sixpence per pound on foreign wool. From the 10th December, 1824 foreign wool has been importable without restriction, at a fixed duty of one penny per pound. Has the removal of protection increased the steadiness of price? Just the reverse—I quote the following list of prices from a letter from Mr. Ellman, one of the highest authorities on the subject of wool, being the prices at which he disposed of his own wool, the best Southdowns, in a succession of years, before and after the reduction of the duty on foreign wool, from sixpence to one penny per pound. Price of Southdown wool,

	s.	d.			s.	d.
In 1819 . . .	1	6	per lb.	In 1822 . . .	1	6
1820 . . .	1	6		1823 . . .	1	6
1821 . . .	1	6		1824 . . .	1	6

Duty on foreign wool, being 6d. per lb.

	s.	d.			s.	d.
In 1825 . . .	1	0	per lb.	In 1831 . . .	1	3
1826 . . .	1	0		1833 . . .	2	0
1827 . . .	0	9		1837 . . .	1	3
1828 . . .	0	9		1838 . . .	1	10
1829 . . .	0	9	"			

Duty on foreign wool, being 1d. per lb.

Now, during the period above-mentioned, the import of foreign wool has increased from four or five millions to nearly forty millions of pounds, the sources of our supply have been greatly extended, trade has been perfectly free, duties almost nominal, and yet the price of wool in the home market, which was steady under the restrictive system, has been subject to very great fluctuation since its abandonment. If the argument from wool be at all applicable to corn—if the same result may be expected in the case of corn that has actually followed in the case of wool, what will be the consequence from a low fixed duty on foreign corn? Corn will be dearer in the home market, and the prices more unsteady. Is this the promised benefit to manufacturers on the one hand, and agriculturists on the other? A fixed duty on foreign corn will give you dearer bread and more unsteady prices. As a substitute for the existing laws we have two counter-proposals: the one for a repeal of all prohibitory duties—the other for the imposition of a fixed, in lieu of a fluctuating, scale of duty. The first recommended by the member for Wolverhampton, the second by the President of the Board of Trade, and the members of her Majesty's government in this House.

Let us first consider the proposal of simple repeal. The member for Wolverhampton says, that this is exclusively a landlord's question, that the landlord's interests are the only interests affected by it, that to the tenant it is a matter of indifference. He says the dealing in land, is like the dealing in any other commodity, the sale of a horse, or the sale of any retail article: that the landlord is a seller, the tenant a purchaser, with the free option for each to accept or reject the offer that may be made. But in the very same speech in which this position was maintained, there was a description of the farmer which seemed to exempt him from the ordinary condition of a perfectly voluntary agent and free purchaser. In that speech we were told that the farmers were a prejudiced body of men;—men strongly attached to localities, and withal very ignorant. [Mr. Villiers—I said they had not much education.] Men who in dealing might be taken easy advantage of. The hon. gentleman has not had much dealing with farmers, or he would not say that. Men of no intelligence. [Mr. Villiers—I did not say that.] Well, of little education—not men of business—much attached to localities—unable to transfer themselves and their capital to other pursuits. Why, that is what I rely on as constituting the distinction between dealing in land and purchasing an ordinary article. We are considering the interests of a class which, according to your own showing, consists of men without much education, not men of business, greatly attached to localities, apt to make engagements which are very unwise, and willing to agree to any terms which landlords may propose. Now, surely, if this be true, the present generation of farmers have a very deep interest in the question of the Corn-laws. The interest of those who cultivate the land under lease is manifest enough. But has the tenant at all no interest? Fixed by habit and attachment to the place of his birth,—unfit for mercantile affairs—unable to transfer his capital to other pursuits; could he contemplate without dismay any material reduction in the value of agricultural produce, or any material change in the relation which he bears to other classes of society? Could his interests be so distinguished from the interests of his landlord, that the latter would be the exclusive sufferer by a repeal of the Corn-laws? You tell the farmer, this simple credulous man, that it is manifestly his interest, and that of all other classes of the community, to buy corn at the cheapest market. He says,

he cannot enter into competition with the foreign grower, whose land is more fertile, who commands labour at one-third of the rate, and who is free from the incumbrances of public and local taxes to which he is subject. You reply to him, that because we bear one burthen, that is no reason we should bear another; no reason why, because we are taxed heavily to pay the public creditor, we should voluntarily undertake another burthen, by paying more for our bread. But, says the farmer, "Extend the same principle to every thing else as well as to corn. Don't make me the sole victim of this excellent doctrine. Let me grow my own tobacco—let me manufacture and consume my own malt. Look at every article I wear, from the sole of my shoe to the crown of my hat—every thing is taxed, and taxed for the purpose of protection to manufactures—my shoes, my buttons, my hat, my gloves, my silk handkerchief, my watch, every article of manufactured linen. Whatever I require for domestic use is taxed. Gold and silver plate, paper, china, clocks, thread, pots, wax, wire, every letter of the alphabet presents some article of domestic manufacture protected by taxation from foreign competition. If it be right to buy corn in the cheapest market, it is right to buy every thing else; and if the article I sell is to be exempt from protection, let the article I buy be exempt also." What answer have you for the farmer? Can you deny the justice of his appeal? Nay more, suppose the farmer asks you to begin with the manufacturer before you visit him, will his request be an irrational one? Suppose he says, "I am a man of little education, of limited views, not a man of business, little versed in the principles of political economy, and not very clearly comprehending the doctrine of free trade; spare me for the present, and make the first experiment on my neighbour the manufacturer. He is educated, intelligent, a man of business, not attached to localities, sees all the evils of restrictive duties, and is ready to waive the advantage of protection. I the more earnestly implore you to deal first with the manufacturer, for I greatly fear, if you begin with me, that you will discover hereafter, that the principles of free trade, though applicable to corn, are not applicable to manufacturers, that there are insurmountable difficulties in discriminating between duties for protection and duties for revenue, and that you will finally tell me, that the welfare of manufactures and of agriculture is inseparably united, and that it will be for the manifest advantage of agriculture, that the protecting duties on domestic manufactures should not be hastily withdrawn." These apprehensions, if so urged by the farmer, are clearly not without foundation; for no less an authority than the Prime Minister has declared, that that man must be insane, must be actually a madman, who would propose in the present condition of this country the abolition of all protective duties, and the practical enforcement of the principles of free trade. Free trade in corn, however, is not the sole alternative. Her Majesty's ministers prefer a fixed duty either to the fluctuating scale, or to the simple repeal of the Corn-laws. Now every argument against protection to home produce, such for instance as the policy of buying corn in the cheapest market, and the folly of adding to the incumbrance of the public debt, another incumbrance in the shape of a tax upon corn, applies in principle with equal force to the fixed as to the fluctuating duty. The conflict between the advocates for free trade, and the advocates for fixed duty, will commence the very moment they have apparently triumphed over us. But what avails it to profess yourselves advocates for a fixed duty, unless you have determined on its amount? How easy it is for any noble lord or hon. member to say,—"I am opposed to the total repeal of the Corn-laws—I am opposed to the present laws—but I am in favour of a fixed duty?" What advance do we make towards a settlement of this great question by this vague declaration? What advance can we make unless the amount of that fixed duty be stated? And yet we are called upon to go into committee in complete ignorance of the views of the advocates for fixed duty—in the hope, I suppose, that under the guidance of Mr. Bernal, we shall be inspired with that sagacity which is denied to us while the Speaker is in the Chair. If her Majesty's government have made up their mind to the imposition of a fixed duty, why do they not state the amount of it to the House? Why do they not explain the principle and the calculations upon which it is to be founded? You invite us (addressing the Treasury Bench) to go into committee on the application of an hon. member, to whose views you are altogether opposed. The President of the Board of Trade, who I presume to be your organ on this occasion, says, "Let us go into committee, and we shall have so

many various plans, that we cannot fail to find one which will suit us. "The smallest contribution will be thankfully received." Was it ever known on such an important question as this, one so engrossing to the public mind, so exciting to a large class of the population of the country, that a government should propose to us to go into committee, rejecting the opinions of the member who proposes it—and withholding from us the slightest indication of the course they mean to take in that committee? I could have understood them had they said, "This question is of paramount importance, and it must be settled; we therefore come on the authority of a united cabinet, and settle it we will." I could have understood them, if, on the other hand, they had declared, that there was no prospect of the settlement of the present question, that they looked upon continued agitation on the Corn-laws to be a great national evil, that it was their wish to calm rather than disturb the country, and that they would not therefore enter into a fishing committee, that they would not bait with delusion, in the hope of catching a Corn-bill. This course, also, I could have understood; but the course taken by the government is inconsistent with its duty and authority; it prolongs agitation without affording the prospect of settlement. No doubt a committee on the Corn-laws is a necessary form, before any practical measure could be proceeded with. But it is a mere form. Whoever advises it, should have made some advance towards the solution of the great difficulties which environ the consideration of the question. What is the amount of fixed protecting duty to which the agriculture of this country is entitled? He must have revolved in his mind, whether on the same principle on which a protecting duty on import is imposed—there ought not to be a corresponding drawback on the export of British corn—not a bounty—but a drawback, equivalent to those special burdens upon agriculture, to countervail which the import duty would be imposed. He must well have considered, whether the indiscriminate admission of foreign corn at a fixed duty, to be determined irrevocably beforehand, might not, in very productive seasons at home and abroad, pour into our markets such a glut of foreign produce, as completely to derange all agricultural speculations. Above all he must have considered, how the fixed duty is to be maintained in the seasons of deficient supply, and threatened famine—whether it is to be enforced at all hazards—whether it is to be relaxed under certain circumstances, and if so, by what authority, and on what conditions it shall be relaxed, and, after relaxation, reimposed. But these are considerations, if not subordinate, still subsequent to the fixing of the amount of the fixed duty. By what rule shall that amount be determined? I have read all that has been written by the gravest authorities on political economy on the subject of rent, wages, taxes, tithes, the various elements, in short, which constitute or affect the price of agricultural produce. Far be it from me to depreciate that noble science which is conversant with the laws that regulate the production of wealth, and seeks to make human industry most conducive to human comfort and enjoyment. But I must, at the same time, confess, with all respect for that science and its brightest luminaries, that they have failed to throw light on the obscure and intricate question of the nature and amount of those special burdens upon agriculture which entitle it to protection from foreign competition; and I not only do not find in their lucubrations any solution of the difficulties, but I find the difficulties greatly increased by the conflict of authorities. After reading Adam Smith's doctrine concerning the rent of land, I find that Mr. Ricardo pronounces it erroneous, and that he totally differs from Adam Smith, as to rent forming one of the component parts of the price of raw produce. Adam Smith thinks, that the value of gold estimated in corn will be highest in rich countries; Mr. Ricardo, on the other hand, that it will be low in rich, and high in poor countries. Mr. McCulloch discusses the question whether there are any peculiar burdens on agriculture. He observes that tithes, land tax, poor and other rates, are said to be such; and says as to tithes:—"Two different opinions have been advanced. Dr. Smith contends, that tithes are paid out of rent, and have no influence on the price of corn. Mr. Ricardo contends, that the amount of tithe occasions an equivalent rise in the price of corn."

Mr. McCulloch declares, that neither the one opinion nor the other is perfectly correct. I turn to the acute and valuable work of Colonel Torrens, treating expressly on the foreign corn trade, and the protection of home produce, and hope to find some reconciliation of the differences of those who had preceded him—some

preponderance, at least, of agreement which may lead to a safe conclusion. But, alas! I learn from Colonel Torrens, "That Adam Smith is fundamentally wrong in stating that corn has a real value which is always equal to the quantity of labour which it can maintain."

Perhaps Colonel Torrens harmonises with the French economists. Far from it. He says:—"That the doctrine of the French economists, as to the degree in which the cost of food influences the value of the manufactured article, is fundamentally erroneous, and cannot, in any possible state, be conformable to fact."

Does he concur with Mr. Ricardo, or Mr. M'Culloch, or Mr. Malthus? Quite the reverse. He says:—"Mr. Ricardo and his followers are quite wrong as to the doctrine of rent. That it is self-evident that Mr. M'Culloch cannot be right, in the opinion that the value of the farmer's capital rises in the same proportion with the value of the raw produce he brings to market. Not content with one refutation, he gives a second of the doctrine of Mr. Malthus, that the labourer is benefited by the high value of the articles composing wages."

The very heads of Colonel Torrens's chapters are enough to fill with dismay the bewildered inquirer after truth. They are literally these:—

"Erroneous views of Adam Smith respecting the value of corn.

"Erroneous doctrine of the French economists respecting the value of raw produce.

"Errors of Mr. Ricardo and his followers on the subject of rent.

"Error of Mr. Malthus respecting the nature of rent.

"Refutation of the doctrines of Mr. Malthus respecting the wages of labour."

Perplexed by these conflicting authorities, finding, as we proceed, our path more intricate and obscure, we turn for relief to her Majesty's government in the hope that from the eminence on which they are placed they will be able, by their superior sagacity, to illuminate the darkness and unravel the intricacies of our ways. But we turn in vain. They give us no comfortable assurances. The light they have, if any there be, they studiously withhold from us. They invite us to follow them, and yet they are the very men who have warned us to distrust the guides to whom they would commit us. Can we forget the letter of the noble lord (Lord John Russell), addressed to his constituents, cautioning them against the party—"Who wish to substitute the corn of Poland and Russia for our own; who care not for the difference between an agricultural and manufacturing population, in all that concerns morals, order, national strength, and national tranquillity; with whom wealth is the only object of speculation, and who have no more sensibility for the sufferings of a people than a general has for the loss of men wearied by his operations."

The noble lord admits the letter, but claims for himself the privilege of changing his opinion. I concede it to him in the fullest extent; but then the noble lord always contrives to leave upon record so terse, so epigrammatic, so admirable a vindication of his old opinions, that he makes it difficult for his admirers to follow him at once into the adoption of the new ones. The noble lord in his speech last night referred to an anecdote told of the great ornament of English art (Sir Joshua Reynolds), who, after reviewing the productions of his earlier years, turned away from them with a candid expression of disappointment, that as life advanced, he had improved upon them in so slight a degree; and the noble lord congratulated himself that he should escape, by timely change of opinion, the mortification of a similar avowal. Now the lapse of time may have given to the noble lord more comprehensive views as a statesman, it may have matured his powers as a debater—but his lot as a painter is unquestionably the same with that of the great head of his profession. The graphic fidelity of his earlier sketches will never be surpassed, and when he reviews the gallery in which they are arranged he must turn away from the contemplation of them with the mortifying confession that the pencil of his maturer years has produced nothing to compare with them. Whatever be the department of art which he has selected, whether historical, when he vindicates the revolution of 1688, and justifies the Somerses and the Russells for their hatred of papal intrigue and influence—whether fanciful, when in defence of Old Sarum he likens the reformer to the foolish servant in the story of Aladdin, who deceived by the cry of "new lamps for old," exchanged the "old lamp with magical powers for the burnished and tinsel article of modern manufacture;"—whether in the humbler department of portrait he sketches the political economist—[Mr. Hume, Oh! oh!]



I am not surprised at the interruption, for you sat for the likeness, for the faithful resemblance, of the harsh, cold-blooded economist, regarding money as the only element of national happiness, feasting his eyes upon Poland in the background, able, even "with her wretched ploughs, and wretched men and wretched horses," to drive us from the cultivation of inferior soils. No, sir, the noble lord has produced nothing since so happy as these vigorous and spirited designs—and when he now invites us to follow a political economist, can he be surprised if we are haunted by the recollection of the portrait which he himself drew, and the warning which he gave us to beware of trusting the original? If her Majesty's government, on their responsibility as a government, with a distinct declaration of their principles, and a full explanation of their views, were to call upon us to reconsider the corn-laws and to remove the obstacle to the importation of foreign corn, we should be placed in a different position from that in which we now stand. Even then, while we might respect their motives, and the manliness of their course, we should pause. We should tell them there were higher considerations involved than those of mercantile profit. We should doubt the policy of making this great country more dependent than it is on foreign supplies. Admitting that the extension of intercourse, by the reciprocation of benefits and the sense of common interests is a great guarantee for peace, still we should not implicitly rely on its efficacy. We should remember that within our own short experience the insane ambition of a single man, bent upon our destruction, had for many years overruled all the impediments which the love of gain, or the prosecution of peaceful industry among millions of men, could offer to his reckless course. We should find, even in the present state of the world, in North America, in Spain, in the Gulf of Mexico, ample proof that the interests and the influence of commerce will not always ensure the peaceful arbitration of differences. Could you prove to us that the true principles of mercantile dealing required us to purchase corn in the cheapest market, and to withdraw the capital which has fertilized the inferior soils of this country, for the purpose of applying it to the rich but unprofitable wastes of Poland—still we should hesitate. We should remember with pain the cheerful smiling prospects which were thus to be obscured. We should view with regret cultivation receding from the hill-top, which it has climbed under the influence of protection, and from which it surveys with joy the progress of successful toil. If you convinced us that your most sanguine hopes would be realized—that this country would become the great workshop of the world—would blight through the cheapness of food, and the demand for foreign corn, the manufacturing industry of every other country—would present the dull succession of enormous manufacturing towns connected by railways, intersecting the abandoned tracts which it was no longer profitable to cultivate—we should not forget, amid all these presages of complete happiness, that it has been under the influence of protection to agriculture, continued for two hundred years, that the fen has been drained, the wild heath reclaimed, the health of a whole people improved, their life prolonged, and all this not at the expense of manufacturing prosperity, but concurrently with its wonderful advancement. If you had called on us to abandon this protection with all the authority of an united administration, with the exhibition of superior sagacity, and triumphant reasoning, we should have been deaf to your appeal; but when, inviting us to follow you, you present nothing but distracted councils, conflicting colleagues, statements of facts not to be reconciled, and arguments leading to opposite conclusions, then we peremptorily refuse to surrender our judgments to your guidance, and to throw the protection secured to agriculture by the existing law into the lottery of legislation, in the faint hope that we might by chance draw the prize of a better Corn bill.

After another adjournment the House divided: Ayes, 195; Noes, 342; majority against the motion, 147.

## UNITED STATES—BOUNDARY QUESTION.

MARCH 27, 1839.

In a conversation, originating with Sir S. Canning, as to the state of our relations with the United States, and as to the negotiations pending for the adjustment of the boundary question,—

SIR ROBERT PEELE said, that as parliament was now about to adjourn for several days, he did not regret that some hon. member should have thought it right to make inquiries of her Majesty's government on the great question of the disputed boundary between our North American possessions and the United States. He was sure the House would agree with him in thinking, that upon the present occasion the right hon. gentleman who put those questions had done so in a temper which showed no inclination to throw any impediments in the way of bringing the matters in dispute to a satisfactory conclusion. No one could feel more fully than he (Sir R. Peel) did, the inconvenience which must arise to any government from a premature demand for papers, or from entering into any discussion respecting a course, which, at a moment like the present, they intended to adopt; for he felt, that in making their defence upon any charges which might be brought against them, ministers would labour under the disadvantage of not being able to produce all the documents that might be necessary, lest their disclosure should be prejudicial to the public service; he should, therefore, not pursue the matter further than to say, that he fully reserved to himself the right of hereafter discussing whether her Majesty's government, after rejecting the award of the King of Holland, and after having discovered, that our Canadian subjects had been exposed to apprehension and to danger—he repeated, he should claim for himself, at a future time, the right to consider whether the responsible advisers of the Crown had shown sufficient energy and decision in their attempt to bring this matter to an issue. Limiting himself, then, for the present, to this single remark, he could not at the same time help saying, that if there were any document which could possibly be called for, and the production of which was not liable to be objected to on the part of the government, as raising any impediment in the way of a satisfactory settlement, he confessed he should have thought, that that document was an old map, dated in the year 1755—a map drawn at a time when no differences could exist between the United States and this country. If that map had any bearing on the question, he did hope that the right hon. gentleman would persevere in his motion. If the map were not in existence, no jealous feeling need be excited, and he hoped if it did exist, that the particular map which had been moved for, and no more recent map, would be laid upon the table of the House. It might be, however, that there were some well-founded objections to the production of the map which did not strike his mind. If the greater caution of the right hon. gentleman suggested any to him, and that he felt unwilling to press his own friends on the other side of the House, he too highly estimated the right hon. gentleman's circumspection not to treat it with respect; but if there were no substantial objection to their seeing the old map, he hoped that it might be produced.

Sir C. Grey was sorry on so important a question the attention of the right hon. baronet had been so distracted. He had never said the map was not in existence, and any hon. gentleman who went to the British museum could see it there in eight sheets.

The conversation then dropped, and the House adjourned till the 8th day of April.

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## GOVERNMENT OF IRELAND.

APRIL 15, 1839.

In the debate on Lord John Russell's motion, calling upon the House for an expression of its opinion relative to the administration of affairs in Ireland,—

SIR ROBERT PEELE spoke as follows: I do not regret that I have given to the noble lord, by declaring, antecedent to the present debate, the amendment which I meant to move, the advantage of which he has largely, but not unfairly, availed himself of—commenting on the terms and purport of that amendment. I consider that I made no concession; that I deprived myself of no advantage, by not concealing the terms of the amendment until the moment of submitting it to the House. I felt that the propositions contained in it are so consistent with good sense, so founded in justice, that I willingly granted that opportunity for comment, which an early declaration must give. I sought to conciliate no support. I sought not to exclude the support of any man, who, differing from me in opinion, might yet think the amend-

ment justified by truth and by reason; and I did not attempt so to frame it, as to conciliate those from whom on most questions of policy I widely differ. Sir, I was advised not to introduce the name of the House of Lords, because the name would raise opposition from those gentlemen of extreme popular opinions, who are necessarily opposed to the House of Lords. I was asked to move for a committee on the state of the nation, as a plan more captivating to many, than any other I could adopt, but I refused either proposal. In this great crisis—for great it is, when the House of Commons is called on to make a partial declaration of confidence in government, and to seek (as I think) an unjustifiable collision with the House of Lords. I endeavoured, in framing my amendment, to consider nothing but the considerations of equity and reason, and I felt, that although a majority might trample on that amendment, it could not extinguish its vitality and living principles. Such were the motives which actuated me in framing the amendment which I mean to submit for the approbation of the House. And now I will appeal to the House, whether it be right at this moment, to ask the House of Commons for a partial declaration of confidence in one branch of public government, in one branch of the legislature, amid the difficulties that surround us? Are you justified in seeking a collision with another branch of the legislature? These are the questions you have to determine—and I now say beforehand, that if in arguing them, through the strength of my conviction, or betrayed by the hastiness of debate, which it is difficult, when the conviction is strong, utterly to restrain; if I introduce any language better fitted for the acerbity of party contention, than the gravity of this great occasion, I make at once a preliminary apology for the introduction of such language. Sir, to me this introduction of an abstract principle on the subject of Ireland—the introduction of it by the noble lord—the introduction of it in the month of April—may awaken reminiscences of former years, and the results of former motions. I may not be able to administer so far the oblivious antidote of which the noble lord has spoken, as entirely to forget the abstract resolution of 1835, moved in April of that year by the noble lord; but this I can undertake to do—I can raze from my mind and memory any feeling of animosity on account of that resolution. And, although I shall refer to that resolution, as one of the instances of the impolicy of such proceedings, I shall prove, I hope, that I am not labouring under any of those irritating feelings which the most generous minds may imbibe in the heat of political conflict.

Sir, I have two propositions to submit to the House in support of my resolution, and in opposition to that of the noble lord; and I will attempt in my argument to keep as closely as possible to the principles involved in them. My propositions are these—First, that it is not fitting or suitable to the character or functions of the House of Commons, to make abstract declarations of opinions with respect to the public policy of the government, unless under particular and special circumstances, and cases of emergency. That is my first proposition. My second is, that my objection to abstract declarations of opinion are infinitely aggravated when they are sought as causes of unjust conflict with the other branch of the legislature. If I establish either of these, I have, as it appears to me, a conclusive argument against the proposed resolution of the noble lords, and all I ask is, an indulgent hearing, while I attempt by argument to support them. I say, in the first place, that a declaration of confidence in the executive government on the part of the House of Commons, ought neither to be asked for nor given, except in extreme cases. Confidence ought rather to be inferred from the general support the House gives the executive government, from the manner in which it deals with the legislative measures proposed by government, than from any abstract declaration of opinion. There are, I admit, occasions, which may justify a government in calling for such declarations; but they are rare, and extremely rare, when the House of Commons should select one particular branch of the public policy of government, and, passing by all other branches, mark with approbation that detached and single portion. By taking such a course, you will lead the House of Commons into great embarrassment. It is difficult to conceive any executive government which does not adopt some branches of policy not entitled to support. It is difficult to conceive a government without some error; and a partial approbation, or condemnation, leaves the public at a loss to know whether or not the government possess the general confidence of the House. In fact, a pronounced approbation of a

single portion of policy, implies a disapprobation of all which is not mentioned; and you may make it impossible to form a government, if you persist in this course. Instead of gathering from the general support of the House, a conviction that the government merits, and therefore receives, the confidence of the legislature, the public will require a declared approbation of every part of its policy, and will require that approbation to be renewed every time any part of its policy is questioned; you will thus paralyze the whole administration. You will make it impossible for the government to move without continual votes of approbation of every part of its policy. I say, therefore, and every one will admit, that there ought to be some strong foundation for calling on the House of Commons for an approval of one part of your policy. Still it may be possible that partial declarations of confidence may be justified. They may have this advantage, that by limiting them to a single branch of policy, you obtain a clear and explicit definition of the principle, and a clear exposition of the practice of which you mean to approve. But if you commit this double error, that you take a single branch, and have not the courage and the manliness to declare the principles of the policy which you ask the House of Commons to approve of—if you do not tell us clearly the period when that policy has been in operation—if you do not make it explicit, beyond all doubt, what are the measures, and who are the men, you ask the House of Commons to approve of, then, you are involving the House in a false position, and establishing a precedent as fatal as any ever adopted. Is not your resolution open to this objection?—is it not partial and unsatisfactory in its construction? Is it not vague and indefinite? You ask me to approve of the principle that has guided the executive government of Ireland—but the executive government means her Majesty's government generally. You cannot separate the executive government of Ireland from the cabinet which presides over all our affairs. You cannot pay a compliment to Lord Normanby, and to the noble lord opposite (Morpeth), without paying it to all the members of the executive. Do you recollect the case of Lord Glenelg last year? Do you recollect that when it was proposed last year, to pronounce a censure upon that branch of your administration over which that noble lord presided, you declared that it was impossible to separate an individual member of the government from the rest of his colleagues. If you have forgotten, I will remind you of the circumstance. Why, Sir, it is but rarely we can relieve the severe performance of our duty by the exhibition of romantic and chivalrous affection; but I must say, there was something most gratifying, when the attack was made by the hon. member for Leeds, on the noble lord's colonial administration, there was something delightful in the feeling of public devotion and private affection, which made the entire cabinet rally round Lord Glenelg, and cheerfully offer him their support. That feeling was a just one, so far as this, that a man more amiable in private life, more desirous of efficiently performing his public duty, a man who showed greater ability in debate, or conciliated a greater degree of good-will, even in opponents, never existed than Lord Glenelg. I am quoting this instance to show, that if censure cast upon an individual member of the administration is to be construed as a censure upon the government, a compliment to the executive government of Ireland is a compliment to the cabinet generally. I remember how the noble lord, the Secretary of Foreign Affairs, rushed forward on that occasion. Never, since the days of Nisus and Euryalus, was greater or more affectionate zeal exhibited:—

“ nihil iste, nec ausus,  
Nec potuit: cœlum hoc et conscia sidera testor:  
Tantùm infelicem nimiam dilexit amicum.”

The noble lord said, “Did the hon. baronet suppose that the present cabinet either would or could remain in office, if one of its members were to be driven from it by a direct vote of censure of that House? Why, if they could be so base and dishonourable, that House would never permit a set of men to retain their places, who had allowed one of their number to become a ‘scapegoat to save themselves.” Those were the words used by the noble lord, who was determined not to incur the reproach levelled by the sarcastic moralist at the quondam companions of the

“ poor sequestered stag,  
That from the hunter's aim had ta'en a hurt,”  
“ When  
    most invectively he passeth through  
The body of the country, city, court.”

Lord Glenelg was not to be

“ Left and abandoned of his velvet friends.”

Misery was not to part

“ The flux of company.”

Upon that occasion the government did present an instance of generous devotion which is rarely seen; but it established the principle, that the act of one part of the government is shared by all. But if that principle be just, so when a compliment is proposed to a particular branch of the administration, you cannot exclusively appropriate that compliment to one department, but the whole administration must participate in it. This, then, is a compliment sought to be paid to the executive government of Ireland. Do you mean, then, to extend that approbation to the course of legislative policy which the government has pursued with reference to that country? Do you mean to say, that in paying a compliment to the principles which have pervaded the executive government of Ireland, you cordially approve, in respect to legislation, of the language of this resolution? What, then, becomes of the forty-six gentlemen who followed the hon. member for Sheffield last year, in denouncing the government for the course which they had pursued in reference to legislative measures for Ireland? Is, then, this vote of partial approbation not to be construed as extending to the legislative policy of the government, and is it to be confined solely to the administration of the affairs of Ireland? Is this to be your vote, in contradiction to what you assume to be the censure of the House of Lords—an assumption of which I utterly deny the justice? Finding yourselves, as you say, censured by the House of Lords, you come forward, and ask the House of Commons, in opposition to the House of Lords, to approve of your conduct; but you are not even explicit enough to tell us for what period you demand approbation. No; what you ask is, that “the House approve of the executive policy which has guided the executive government in Ireland of late years.” I will not trouble the House with voluminous quotations from writers, to show you the various periods to which the term “late years,” has been applied, but merely assert, that it has been applied to every number of years from two to one hundred. But will the House of Commons not require any further specification of the period to which the resolution applies, than is to be found in the expression of “late years?” Now, I ask you this distinct question, and I hope the noble lord opposite will interrupt me by answering it. Do you mean to include the administration of Lord Grey, Lord Wellesley, Lord Anglesey, and Lord Plunket, in your vote of approval—or, do you mean to deliver up these noblemen to the obloquy which has been cast, in certain quarters, on their administration of Irish affairs? Do you mean to institute an invidious contrast between the government of Lord Grey and Lord Melbourne—or to have Lord Normanby complimented at the expense of Lord Anglesey? If you include Lords Wellesley and Anglesey, how is it possible for those to join in the vote, who were formerly so loud in censuring these noblemen—who declared them unworthy public confidence, and stigmatized their whole course of conduct as marked by hostility to Ireland? If you mean to exclude them, I ask you, why you have not had the manliness to say so? Why do you not say, that Lord Melbourne's government commenced in 1835; our approbation, therefore, is limited to the same period, and applies exclusively to that government? But, no. You evade that difficulty—you are unwilling to make the invidious contrast between Lord Grey and Lord Melbourne, or between Lords Wellesley and Anglesey on the one side, and Lord Normanby on the other; and in calling on the House of Commons to sanction and approve your policy, you cover your meaning under the convenient generality, that it is the policy adopted of late years. But probably you take the more generous course, and you do mean to include Lord Anglesey and Lord Wellesley in your vote of approbation. I infer that, indeed, from the speech of the noble

lord; because the noble lord stated, obscurely indeed, and rather by insinuation than in direct terms, that Lord Wellesley had not been quite so successful in conciliating public opinion as Lord Normanby, but he had been beset by great and peculiar difficulties. Well, then, do you exclude Lord Wellesley, or do you not exclude him, from your vote of approbation for his administration of the executive in Ireland? Mind, merely executive, for the legislative function is entirely omitted in this motion. That you include him, would be of course the generous reply. Well, then, you include him. But if you include him, you must include me. This makes a great difficulty. For when you ask me for a vote of approval of the conduct and principles by which the executive government of Ireland has been guided of late years, you leave me in great doubt, intimately connected as I myself have been with the executive government in that country of late years, whether you mean to approve and sanction my conduct or not. I suppose, of course, you mean to exclude me from this agreeable course of your approbation. That I take for granted. But if you mean to include Lord Wellesley, how do you manage to exclude me, for five years, from the year 1822 to the year 1827, I had the honour and satisfaction of acting, in conjunction with Lord Wellesley, in the government of Ireland? There was no difference of opinion between us in relation to Irish policy, and the difference which led to our estrangement, was in no manner connected with Irish affairs. I acted with Lord Wellesley as Lord-lieutenant, and with Lord Plunket as Attorney-general of Ireland; and if either Lord Wellesley or Lord Plunket disapproved of my principles of government in Irish affairs, I ask you to call on them to show, why they did not separate themselves from me. Again, I repeat, that the disunion which took place between us, was not on the point of executive administration in Ireland. I acted, also, with Lord Melbourne, who was Chief Secretary for Ireland when I was Secretary of State. I presume that Lord Melbourne, in the executive administration of affairs in Ireland, has been acting on the same principles of late years as those on which he formerly acted. Again, therefore, your approbation extends through him to me. No agreement of principles on the administration of the law, and on the executive affairs in Ireland, could be more cordial, than the union which existed between Lord Melbourne and myself, whilst Lord Melbourne was Secretary for Ireland, and I was Secretary of State. My separation from Lord Melbourne did not arise from any difference in our views with regard to the administration of affairs in Ireland. From what period, then, do you date your approbation of Irish policy? Perhaps you will say, from the commencement of Lord Grey's government of 1830. Is it so? We were then excluded from power. You brought forward the Reform Bill, and we ceased to exercise any direction over the Irish government. Is it, then, from 1830 that you date your approbation? Perhaps you will not date it from so long a period. Is it, then, from 1834? Will you date it from the period of Lord Grey's retirement from power, and your separation from my noble friend, the member for Lancashire, and my right hon. friend, the then member for Cumberland? Is it so? Well, let us take it from 1834, still you must include me. You make no exception. You say, that the principles which of late years have guided the executive government in Ireland are entitled to public approbation; and, taking the most limited and restricted period, namely, from the year 1834, the government over which I presided comes in for its share. I say, with the noble lord, we must have something definite and precise. We cannot praise two governors of Ireland, acting on different principles—we cannot praise Lord Haddington and Lord Normanby. No; but you evade the difficulty; for, if you take your stand from the year 1834, when Lord Grey retired from power, yet still Lord Haddington administered the executive in Ireland during the government over which I presided, and you make no exception, but merely ask the sanction and approbation of the House of Commons for the policy pursued in Ireland of late years. Why, if you do not mean to include our policy, why do you not say so—why not state explicitly what are the principles which you ask us to approve, and what is the period of time during which those principles have guided the administration of the executive in Ireland. Is it fair—is it decent, to call on the House of Commons for an abstract declaration of approbation of certain principles of government, and yet neither define those principles, nor state during what period they have been in operation? Now, what are those principles which we are called on

to approve? If you say, they are the principles which have governed Lord Normanby and the present administration in their administration of affairs in Ireland, I shall still object to the sanction you ask for on account of the indefiniteness and vagueness of the resolution. And if this be really what you do mean, why have you not the courage and manliness to say so? Why do you not tell us why you exclude the Marquess of Anglesea—why you exclude Lord Wellesley—why you exclude Lord Grey's government? At least, it may fairly be supposed, from the language of your resolution, that it extends to the period, and to all governments since 1830. I say, then, if so, the ground on which I dissent from this resolution is on account of the vagueness, and indistinctness, and the indefinite nature of the principles, for which it asks our sanction; principles, neither expressed in the resolution itself, nor to be inferred from any period named in it as the period of their operation. I come now, sir, to the second point. I ask the question, whether you are justified in entering into collision with the House of Lords?—for mark, it is collision, this proceeding means nothing less—and that it is a collision, is the impression which has prevailed generally throughout the country, and is, indeed, a very natural construction of the noble lord's proceeding. For the noble lord, the very day after the vote of the House of Lords, came down to the House and gave notice of this motion; and what was the comment made on it in Ireland? It was in these words—"This is a manly course; this is seeking collision with the House of Lords." Now, Sir, the entrance into collision with one of the constituted authorities of the state is no light matter. It will be well for this House to consider maturely what are the instruments, or means, which they have in their power to carry on such a contest, as well as what consequences are likely to come from it. It is incumbent upon us, before we enter on this conflict, to ask ourselves, whether there is any justification for the collision we are about to begin. Now the professed justification seems to be, that the House of Lords appointed "a Select Committee, to inquire into the state of Ireland since the year 1835, in respect to crime and outrage, which have rendered life and property insecure in that portion of the empire." This, then, is the foundation for the projected collision. Now, Sir, how does this House stand in relation to the other House with respect to the legislative measures affecting Ireland? Is there so extensive a difference, as to render a collision likely with respect to legislative measures? On the Poor-law bill the two Houses have come to a concurrence; on the Tithe bill the House of Peers has concurred with the House of Commons; on the Municipal Corporations bill a difference has hitherto prevailed. But you do not seek for the elements of quarrel, surely, in the acts of last session? You profess your proceeding to be founded solely on the appointment of a committee of the House of Lords, which you consider (and indeed it is necessary for your argument) and construe into a vote of censure on the government. As far as legislative proceedings are concerned, you have not a pretence for a quarrel with the House of Lords; for with reference to them during the present session, not one communication has taken place between this House and the House of Lords. And the single act from which you have a right to infer any thing of the intentions of the House of Lords is this:—You asked the House of Lords, on the first day of the session, to reply to a paragraph in the speech with respect to municipal corporations; and in the Address which the House of Peers presented to her Majesty, they said, "We concur with your Majesty, that the reform and amendment of the municipal corporations in Ireland is essential to the interests of that part of the United Kingdom." You may have thought it discreet to introduce such a paragraph into the Queen's speech, knowing, as you did, the opposition which was formerly made to your views on that point; and, indeed, I myself should have much difficulty in pronouncing such a reform to be so "essential;" but the House of Lords, be it remembered, at your suggestion, reviewing the conflicts that had taken place, yielded to your views, and adopted them in their address. So far, then, as we know of the intentions of the House of Lords with respect to legislative measures relative to Ireland, still pending, there appears to be nothing on which to found the slightest pretence for the collision sought. The sole cause assumed for the collision is, that the House of Lords have appointed a committee to inquire into the state of Ireland, since the year 1835, in respect of crime and outrage, which had rendered life and property insecure in that part of

the empire; and which appointment the noble lord, in the course of his argument, assumed to be a virtual censure on her Majesty's government. I deny that it is a censure, or can be considered as tantamount to a censure. The first question that arises, then, is, whether the appointment by the House of Lords of that committee be a vote of censure, or not? And I ask you to listen for a brief while to the argument, by which I shall endeavour to prove that such an assumption is not a fair one. The noble lord said, not exactly that it was a vote of censure, but that it was *prima facie* a censure. Now, I can understand what a *prima facie* case means; but I do not exactly understand what is meant by a *prima facie* censure. There may be grounds for it, but the noble lord's expression, as applied to the vote of the House of Lords, I do not exactly understand. But is the appointment of a committee by the House of Lords, a vote of censure on the government, or not? I deny that it is, or that it is to be considered in that light. It may be a questioning of their policy, or rather an appearing to question their policy; but to justify the noble lord, it is requisite that they should adopt some far less equivocal course. For have we, I ask, never appointed committees to inquire into the state of Ireland? And did we consider such an appointment as tantamount to a vote of censure—did we consider that, by so doing, we were paralysing the functions of government? Why, in 1824, Lord Althorp proposed a committee to inquire into the state of Ireland, and the motion, as amended by my right hon. friend, was agreed to, and a committee appointed to inquire into the state of that country, and more particularly as to the circumstances which led to the disturbance that prevailed in that part of the empire. The inquiry was a large one. The acts of the government, its conduct and policy, came into question, though the inquiry was limited to that part of Ireland in which disturbances had prevailed. When Lord Althorp moved for that committee, it was not contended that the functions of government were incompatible with the appointment of such a committee. It lasted two years, every subject was inquired into, and though the Catholic question was carefully excluded from the report, every practical subject relating to the functions, and operations, and policy of government, and the administration of justice, was inquired into—not merely the administration of justice, but the prerogatives of the Crown, and the exercise of the prerogative of mercy itself. How, then, can the House of Commons, with the example before their eyes, an example so complete, where the committee had powers so extended, and yet where no one ever ventured to assert that those powers were incompatible with the exercise of the functions of government—how can we, with any consistency, consider the appointment of this committee by the House of Lords as a vote of censure, or make it a ground for coming into collision with that House? There is another instance to which I will refer. In 1827 the noble lord himself moved the appointment of a committee—a select committee—to inquire into the cause of the increase in the number of criminal convictions in England and Wales, and empowered the committee to report their observations thereon. That committee was appointed in 1827, by the noble lord. Now, were not the functions of justice, and the administration of criminal justice, brought under the inquiry of that committee? But was that appointment considered by the House of Commons as a vote of censure on the government? Did the House express any surprise at the government continuing to hold the reins of office after such a vote? Certainly not. With what justice, then, can we now place on this vote of the House of Lords a construction, which we never placed upon our own votes, and rush into collision with them on a mere matter of assumption and interpretation? Well, Sir, in the year 1832, another committee was appointed. The noble lord may, perhaps, say, that there was no occasion for the committee appointed by the House of Lords—that the committees of 1824 and 1825 had exhausted the subject. This, however, is quite a different argument. The noble lord may contend, that we have had inquiry enough—that inquiry has been exhausted, and I admit it to be an intelligible ground of objection to inquiry on his part, but no ground for this motion. I protest, Sir, against entering into a contest with another branch of the legislature, because they do not happen to entertain the same opinion as the noble lord. If they do not agree with this House that the committee of 1824 and 1825 was sufficient, we have no right to resent this expression of their opinion by a vote, such as that which the noble lord asks at our hands. But, in 1832, this House, at the instigation of the noble lord's colleagues, the member



for Dundee, and paymaster of the forces, who was not satisfied with the committees of 1824-5, who did not think inquiry into fresh crime exhausted, appointed another committee. Sir Henry Parnell moved a resolution, which I ask you to compare with that of the other House now in question:—"May, 1831.—Sir H. Parnell moved for a committee to examine into the state of the disturbed counties in Ireland, into the immediate causes which have produced the same, and into the efficiency of the laws for the suppression of outrages against the public peace."

Now, suppose the House of Lords had abandoned their own words, and taken those of Sir Henry Parnell's motion, would you have abandoned your objection? The words I have just read were the words proposed by a member of her Majesty's government itself, and yet you now come forward to ask us to resent a motion which does not go so far as that of Sir Henry Parnell's. Sir Henry not only sought to investigate the disturbances, but to inquire into their causes. I will venture to say, that if any member of the House of Lords had made that motion, the arguments that have been used here to-night would have been doubly enforced, and it would have been said that such a resolution would do nothing less than point at her Majesty's government as the cause of disturbance and crime. These committees, however, were matters on record; they were acts of the House of Commons itself; and, with these acts before them, the noble lord and the government challenges the right of the House of Lords to inquire into the state of crime in Ireland, and holds that the claim to exercise that right was tantamount to a vote of censure upon the executive government of Ireland. I cannot forget that there are in the House of Lords members of her Majesty's government who have not denied the right of the House of Lords to inquire into the state of crime, and who, if they had considered the phraseology of Lord Roden's motion so objectionable, might have taken a different course from that which they had in this discussion pursued. Why did they not say, "We consider the words so equivocal, that though you disclaim, if you are sincere, all intention of conveying a censure on the government—though the Duke of Wellington may deny that this resolution is tantamount to censure—yet we will test your sincerity, and propose the extension of the inquiry to the year 1832?" If in the words, "which have rendered life and property insecure," you feared was conveyed an insinuation that they were rendered insecure by the acts of the government; why did they not move an amendment in some such terms as these:—"With respect to such crimes and outrages as have rendered life and property insecure?" If, either in the language of the resolution, or at the period at which it fixed the inquiry, you, after the disclaimer of the Duke of Wellington, apprehended an implied vote of censure, why not have moved an amendment in the terms of the motion in the House of Lords—a legitimate and proper course, instead of letting it pass without moving an amendment, and then availing yourselves of it as a pretext for collision with the House of Lords? Have you no example of this course before your eyes? When, last year, a committee was appointed to inquire into the appointment of sheriffs, a subject ten times more objectionable than an inquiry into crime, you assented to the principal of the motion, and, only objecting to the limitation of the term over which the inquiry was to extend, you extended the time thereof, and precluded the possibility of the appointment of the committee being construed into a vote of censure. Why not have acted in the same way on the present occasion? Why not have come down to the House of Commons with a motion for a corresponding inquiry, and, by so doing, have prevented all possibility of the inquiry in the Lords bearing a criminatory character? Or, if there were any crimination to arise, to extend that crimination to others. I wish now you would extend that inquiry. I wish now—now, when I have heard myself charged with fostering a petty spirit of Orange domination—I wish now, you would appoint a committee which should commence, not with the year 1835, but with the year 1834, or with any other year you may please to name, and which shall subject my acts and my correspondence to investigation; and I tell you at once that I will not shrink from such an inquiry. But the question now is, why, instead of asking for a collision with the House of Lords, amidst the difficulties that surround you, do you not take the course with respect to the committee on crimes and outrage, which you took with respect to the appointment of sheriffs, and strip the appointment of the committee of all criminatory character, by extending

the period of inquiry, so as to include the acts of other parties? If the House of Lords did appoint the committee, supposing that there was something that induced it—not censure—but the allegation of a *prima facie* case of inquiry, can we reasonably turn round and blame the House of Lords for entering into the investigation? Least of all, was it to be expected, that when such charges were made, the Irish government should have refused inquiry, and expressed great indignation at its being instituted. The course which I now take is in conformity with the course I have always taken. I do not, on account of any inquiry that may be made into crime in Ireland, or any amount of crime that may be proved to exist there, in order to make out a *prima facie* case for inquiry, charge that crime on the government. I have too much experience in matters relating to Ireland to say to the Irish government, that because there is much crime, therefore you have encouraged crime. I will not visit you on this account with a vote of censure, but I think there is ground for inquiry. This is the view, Sir, in which this resolution of the House of Lords must be regarded—this is the spirit in which it was passed. But, because I do not censure, I am not, therefore, to assent to your motion of approbation. I suspend my opinion. The resolution of the other House is not a vote of erimination; but I suspend my judgment till the result of the inquiry be known. I cannot accede to your resolution, and I will not meet it with a vote of censure—because, as I have not the information which may, or may not, result from the inquiry, that course might be unjust. But something I must say for the House of Lords. If that House did appoint a committee, it was not very extraordinary, after the manner in which they had been taunted by members of her Majesty's government. Can any man have been prepared for the strain of indignation which has been lavished on the devoted heads of the members of the other House of parliament, taking into account what has been said on the subject by the noble lord himself, who seems to have first done much to provoke an inquiry, and who now chooses to consider it in the light of a vote of censure? I thought the noble lord himself was bursting for inquiry, and how the noble lord, if he remembered his own words, can—I do not wish to use any expression that may be personally offensive, or calculated to excite acrimony, and, therefore, changing the expression I was about to use for one somewhat milder—how the noble lord can have the astonishing boldness, after the language used by him in reference to the House of Lords, now to turn round on them, and invoke a collision, I really cannot comprehend. Some gentlemen met in Dublin, in 1837, and came to a certain number of resolutions, condemning, in the strongest manner, the government of Ireland. Upon these resolutions, which were twenty-three in number, the noble lord commented, in the speech made by him on the introduction of the Irish Municipal Corporation bill, and when inquiry was in the far distance, no man ever appeared more anxious for it than the noble lord—no man ever so boldly challenged the parties to come forward and submit those charges to the test of investigation. The words of the noble lord were memorable. The noble lord said, “it was the same miserable monopolizing minority;” (this was on the 7th of February, 1837, and he presumed the noble lord meant that the minority then was not formidable on account of its numbers—was not formidable on account of its boldness)—but the noble lord thus taunted them for the course they had taken:—“It is the same ‘miserable monopolising minority’ which has not dared to bring forward any charge in parliament against the present administration in Ireland; but which has met and passed certain resolutions, containing charges highly criminal of Lord Mulgrave—charges which, if true, would insure the noble lord's instant dismissal. And although parliament has now been assembled for a week, and although members of both Houses were present at the meeting in Ireland \* \* \* not one of them has yet ventured to give any notice that he will bring before parliament those high crimes and misdemeanours.” \* \* \*

Why, Sir, when we were forbearing, this was the manner in which the noble lord taunted us. But did the noble lord mean to refer to the House of Commons only? No doubt he meant to say, that with the Commons originated impeachment, and therefore inquiry. But the noble lord would not stop there. Oh, no, he did not give us the opportunity to escape—he cut off our defence, and plainly told us, “It may be said, although it would be a weak and a miserable argument” (the noble lord is fond of the term miserable—he thought us miserable in a minority, and

it seems that our arguments showed the misery of our situation):—"That in this House no one is willing to bring forward the subject, as no one would venture to encounter the strength of the support which his Majesty's ministers have received from the majority in this House. This, I say, is a miserable argument. \* \* \* But is there not another House of parliament, where this subject could be brought forward? What is the power of the opponents of his Majesty's government in that House? \* \* \* Why do these gentlemen shrink from going before that House, and bringing forward these charges? They have brought forward matters, impeaching the conduct and derogatory to the character of the Lord-lieutenant of Ireland, and yet they dare not bring his conduct before parliament? It may be that, after all, they feel that, whatever their majority may be in the other House of parliament, it is not a majority for such purposes. It may be that they feel that a majority of the other House of parliament will not sanction such accusations. But they should at least have the candour and frankness to let this be known."

This was the language of the noble lord opposite. Now, suppose the House of Lords, in answer to this challenge, had said, "Let the charge be brought forward and we will hear it, and proceed to condemnation without inquiry," could you have been more indignant in your language in such a case than you are now? Yet you taunted them to come forward—you taunted these gentlemen to prefer their charge, but you were not visited with censure: they asked for inquiry, and now you say that inquiry is tantamount to censure, and endeavour to escape inquiry by provoking a collision. When, therefore, I compare the committee appointed by the House of Lords, with the committee you yourselves appointed—when I compare the language you held, challenging inquiry, and complaining of condemnation without inquiry, I do not believe that you will stand justified by the calm and deliberate sense of the people of England in the course you are now taking. Why, is there nothing improved in the state of Ireland? the noble lord may say. To that I answer, is there nothing in the state of Ireland to justify the House of Lords in instituting an inquiry into crimes and outrages endangering life and property? The state of Ireland may be improved—that remained to be shown—but, at all events, the House of Lords has the admission of the fact on which they ground their inquiry from the highest authority—from the authority of the Solicitor-general for Ireland, who said, at the opening of the special commission at Clonmel:—"I am personally a stranger to your county; but the perusal of the calendar of prisoners, and the informations on which they were committed, demonstrate to me, whatever may be the issue as to the guilt or innocence of the accused, that there can be no doubt of the lamentable fact, that in no place where the law of England extends is human life less regarded than in the county of Tipperary. It may be some palliation of the crime, but it is a melancholy one, that in many of the cases where life has been sacrificed in this county, it resulted from hasty ebullition of human passion, or in sudden affairs between factions in the county, in which parties have mingled in deadly conflict, for the gratification of a wild spirit of clanship. Unhappily, there is another class of homicide that calls for the urgent interference of the law, and which has not the miserable palliation which I have mentioned belongs to the former class, and which does not result from hasty conflict, or the accidental consequences of a chance blow, inflicted in a moment of excitement. But, gentlemen, we are compelled to say, that, in many instances, they are the result of deep-laid conspiracy, that calls for blood and assassination."

This, then, fully established the fact, that in no place where the laws of England extend is human life less regarded than in the county of Tipperary. The state of Ireland may be improved—the general state of Ireland may be better than it was—but when you, a government, make the admission—when you say, by the mouth of your own Solicitor-general for Ireland, that, "in no place to which the laws of England extend (he might have said in no place of the civilized world,) is human life less regarded than in the county of Tipperary;" can you be surprised—have you any reason to be astonished—that the House of Lords should desire to make inquiry into the causes which have led to this deplorable state of things, and seek to ascertain why human life in that country is so utterly disregarded? Are you surprised that, when the House of Lords sees one of their own members, living on the borders of that county, murdered at his own door in open day—and when that House finds

the causes of that horrid murder yet undiscovered, the murderer yet untraced, the dreadful act still unpunished, are you surprised, I say, that they should try to come at the real facts of the case, by instituting an inquiry which must have, among other objects, the investigation into the causes why the detection and punishment of that foul murder have not ensued? But you object to this inquiry, because of the individual who moved it. Is that a reason for doing so? If the inquiry be necessary, should it be silenced simply because the person who moves it is objectionable to you? What has the House of Commons to do with names or persons? Why should we oppose ourselves to a thing, good in itself, and having truth for its object, because a person who we may not like moves it? A person may be alluded to in a debate, and a name may be used in support of an argument; but the graver and wiser rules of the House forbid our consideration of things in reference to persons, and confine us to the consideration of them on their own merits. To call, then, on the House of Commons to condemn the inquiry set on foot into the causes of crime in Ireland, simply because Lord Roden has been the mover of it, is as contrary to the practice of parliament, as it is alien to all reason and justice. Now, let us suppose a case in point, a parallel case. I will suppose, for instance, that a member of the House of Commons, professing what are termed liberal opinions, has been murdered in the open day at his own door; I will suppose him to have been, at the time of the murder, engaged in planning improvements in the condition of his tenants, and generally benefitting, by his residence and expenditure, the whole neighbourhood; I will then suppose the House of Commons, naturally and very properly excited at this appalling outrage—at this dreadful calamity—propose to institute an inquiry into the causes which led to it; and, finally, I will suppose that the House of Lords institute some proceedings analogous to those contemplated in the noble lord's resolution, questioning our right to make that inquiry, on the grounds that some allegation had been made that a liberal member of the House of Commons, professing extreme opinions, had proposed it. Now, let us suppose this case—then let us ask ourselves a single question: What would the House of Commons have said of the House of Lords in such a case? What judgment would it pronounce upon this proceeding? And yet, invert the instance, and it is the position in which the resolution of the noble lord seeks to place us. We do not deal out equal justice to all parties. We know full well that if such a dreadful calamity as this had befallen one of our own members, and if the House of Lords had the indecency—I say the word—of resenting our proceedings in consequence of it, there would be no limit to our just indignation, and no end to the clamour we should rightfully raise against them. And yet, what is the course which it is now proposed we should pursue towards the House of Lords, in a case precisely similar? The very opposite of that which we should prescribe to them to pursue towards us under such circumstances. Sir, the House of Commons should pause before it proceeds farther in this matter. What is the next step to be taken, I will now ask, should the resolution of the noble lord be affirmed by the House? When you contemplate entering into collision with the other branch of the legislature, you should not only be acquainted with all the probable consequences of the act, but you should also be prepared to meet them. Will you call on the House of Lords to rescind their resolution? To effect any purpose, it is inevitable that you should do so. If you do not do so, what do you gain by your proposition? If you do, what are likely to be the consequences? The noble lord has said, that there are precedents for the course he has proposed to the House, and he has quoted only one to sustain him. Differences on legislative proceedings afford no precedents for the present case, as between the House of Lords and Commons, because they have no application to the point at issue. When a legislative difference arises between these two branches of the legislature, it is settled by conference: you invite the Lords to a conference—you state your reasons—you perhaps hear theirs; you regret the difference, and one or the other abandons the point—setting aside the question altogether. This constitutes no precedent which can apply to the case now before us; not even the noble lord himself will say it does. “But then,” says the noble lord, “there is a precedent, and I have it to show the House.” Now, what is this precedent? I ask the House of Commons to refer to it, not as a rule to guide their conduct, but as a beacon to warn them off a dangerous course. What is the precedent paraded by the noble lord, and how

does it avail him? It is connected with "the Scottish plot" of 1703. In that year, suspicion having fallen on Simon Lord Lovat, that he held correspondence with the French government, and the court of James II. at St. Germain's, he was accordingly arrested. If I recollect right, a person of the name of Boucher, who was in the service of the Duke of Berwick, was apprehended at some place on the coast of Kent or Sussex, as privy to that correspondence. He was taken into the custody of the Crown; but the House of Lords, being jealous of the loyalty of the minister of the Crown, desired to have the examination of this individual themselves. The House of Commons resented this assumption of what subsequently turned out to be only a just right. But there is no analogy between that case and the case now in question. The House of Commons objected to the claim of the House of Lords for the transfer of the examination of persons accused of treasonable practices from the Crown to themselves. They said it was arrogating a jurisdiction on the part of that branch of the legislature, to which the Lords had no rightful title; and they protested against it as partial. But even then the House of Lords were right. I said in the outset of these observations, that the House of Commons should look at this precedent in the light of a beacon, to warn them from their present course, not as a guide to follow. In the space of five minutes I think I shall be able to prove that I advised rightly. Observe, that this is the only precedent which the noble lord could find, though no doubt he has been neither inactive nor idle in searching for them. But to what sore shifts must the noble lord be driven when his only precedent—the only precedent on which he can rely—is one which derives its authority from an act of the high Tories of that day? This is the account given of the struggle on that occasion between the House of Lords and the House of Commons, by the best Whig authorities. I thought, when the noble lord quoted the case, I recollected some omission; and, now that I have it all before me, the House will see that I had no especial cause to be surprised at the noble lord having touched but lightly on some parts of it. Here is the entire statement of that quarrel, as given by Bishop Burnet in his "History of his own Times." "The complaint of the Commons," he states, was—"That when persons suspected of treasonable practices were taken into custody by her Majesty's messengers, in order to be examined, the Lords, in violation of the known laws of the land, had wrested them out of their hands, and arrogated the examination solely to themselves."

The historian then continues:—"The Commons were in an ill-humour against the Lords, and so they were glad to find occasions to vent it. They thought the Lords ought not to have entered upon this examination; they complained of it as a new and unheard-of thing. In an address to the Queen, they said it was an invasion of her prerogative.

"This was a proceeding without a precedent. The parliamentary method was, when one House was offended with any thing done in another, conferences were demanded, in which matters were freely debated.

"Tindal says, that it was an amazing thing to see a House of Commons affirm, in so public a manner, and so pointing, that the Lords taking criminals into their own custody, in order to examination, was without warrant or precedent, when there were so many instances fresh in every man's memory. But it was entirely owing to a party pique. The Tories, who were the strongest in the House of Commons, laying hold of all opportunities, both to ingratiate themselves with the Queen, and to oppose the Whigs, who had the majority in the House of Lords."

Just substitute Whigs for Tories, and the picture will be complete as of the present day. But Burnet then goes on thus to describe this proceeding on which the noble lord so firmly relies:—

"The Commons continued to protest, but the Lords' committee went on with their examinations, and concluded with voting that there had been dangerous plots between some in Scotland and the courts of France and St. Germain's.

"This being concluded, they made a long and vigorous address in answer to that which the Commons had made against them.

"They observed how uneasy the Commons had been at the whole progress of the inquiry into this matter, and had taken methods to obstruct it all they could. The Lords took not the examination to themselves, so as to exclude others who had the same right, and might have done it as well as they if they had pleased."

In a former address the Lords had observed—"No House of Commons, till now, has given countenance to the dangerous opinion which does so directly tend to the rendering all ministers safe from the examination of Parliaments; and we are persuaded no House of Commons, hereafter, will assent to such a motion, because they are not easily wont to part with a power they have assumed: and it is certain that they have several times taken upon themselves to exercise an authority like that which they have so severely reflected on in this Address."

The noble lord quoted the Commons' Address, but he omitted to quote the Address of the Lords, in answer. Why he did so is obvious; it would not suit his purpose. I do not know who was the high Tory author of the Commons' Address; but I will tell him, on the authority of the historian from whose work he has extracted this matter, who was the author of the Address voted by the Lords:—"These addresses," says the historian, "were drawn up by the Lord Somers, and were read over and critically considered by a few Lords, of whom I had the honour to be one."

"This, with the other papers that were published by the Lords, made a great impression on the body of the nation, and gave rise to very unfavourable contrasts between the conduct of the Lords and Commons."

Now, this is the Scottish case of 1703, on which the noble lord relies for his precedent; and this was the result of the unjust attempt on the part of the House of Commons to question the undoubted rights and privileges of the House of Lords, by seeking a collision with it on such unwarrantable grounds. But, perhaps, the noble lord will still say that, whatever may be the terms of the motion which he condemns, there was a lurking intention evident on the part of the leaders of his political opponents, to take a covert and secret advantage of the government of which he is a member, by its means, and to involve them in its consequences without their knowledge or concurrence. Sir, I entirely disavow such an intention on my own part, as well as on the part of those with whom I act. I disavow it, Sir, on my own part, and firmly believe, that there was not the slightest desire to take advantage on the part of any one with whom I am politically connected. And this I can safely say, as the leader of a party, that I had not the least inclination nor wish to do so. Indeed, nothing surprised me more, than to learn the next morning after the motion had been made, that there was so much importance attached to it by her Majesty's ministers, and that they had made it a vital question, by which to stand or fall. And I will freely admit, though I am perfectly well aware that I cannot lay claim to any great share of astuteness in making the admission, that hearing this fact, of the importance of the motion, and the decision of the government respecting it, I went at once to the Duke of Wellington's, and to the house of my noble friend near me (Lord Stanley), to consult with them on the subject, and ascertain their opinions as to the best course to take in reference to it, but found them both absent from town on the momentous occasion, the former having that morning gone to Hampshire, and the latter to Lancashire. Need I say, after this statement of the fact, that there is no probability in the supposition, and no truth in the assumption, that we attached any importance, beyond that which it was intrinsically entitled to, to the motion of the Peers? Neither need I argue, that if we had such intention as that which we are charged with entertaining towards the government, this could have been the case. I hope I have no occasion to say any more, either in disavowal or dis-proof of the allegation, that the leaders of the political party opposed to the noble lord, had the slightest intention, in the motion of Lord Roden, of taking a covert or secret advantage of the government to which he belongs. There was a desire to have a full inquiry, and as far as I know, there was no desire that it should be preceded by a vote of a censure character. The noble lord has spoken of the committee as improperly constituted, and certainly produced a great effect, a very great effect on the benches behind him, by descanting on the unfairness of the committee appointed by the House of Lords, which he so energetically denounced—"Lord Roden," the noble lord said, "had constituted it so partially as to place on it thirteen of his own supporters and only five of his opponents." And this, as I said, produced a great sensation among those hon. gentlemen behind the noble lord. But what are the real facts of the case? Where the noble lord got his numbers I do not know, nor can I tell by what process he obtained them in the proportion of five to thirteen; but this I do know, that when I read the list of names appointed to that committee,

which I now hold in my hand, the House will concur with me in opinion, that, however far the noble lord may see, he has certainly not the faculty of seeing double. Indeed, he would rather seem to have the opposite faculty—that of diminishing, instead of increasing, for his friends are ten in number, not five. I shall, however, read the names, and the House can then judge for itself. They are—Lord Plunket, Lord Cloncurry, Lord Glenelg, Lord Hatherton, Lord Carew, and the Marquess of Lansdown, Viscount Duncannon, the Marquess of Normanby, Lord Gosford, and the Duke of Leinster. These ten names, all those of staunch liberals be it known, may be disproportionate to the number of names on the opposite side of the question. With that proposition I shall not deal now; but let us not leave this House with an impression that the noble lord's statement is correct, and that there are only five liberal members to thirteen of opposite opinions on the committee. Sir, I have now attempted to establish two propositions, and I hope I have succeeded. The first, that partial approbation should not be given to a government by the affirmation of an abstract proposition of confidence on the part of the House of Commons, except on very rare occasions; and, secondly, that a collision with the House of Lords on the present question is unjustifiable, and therefore unwise and improper. But if I rested there, at that point, I should, perhaps, be charged by the other side of the House with shrinking from my duty, in not detailing the grounds on which I found my own resolutions and oppose those of the noble lord. In my preliminary resolutions, those who approve of the policy of the government towards Ireland may concur. They may also join with me in deprecating a collision with the House of Lords. I shall conceal nothing when the time comes; and if the noble lord should then call on me, I shall explain every thing to him in connection with those resolutions. But I will perform my duty as relates to the resolution of the noble lord. To that I shall say no; and I shall now state my grounds for so doing. The noble lord's resolution asks me to approve of "those principles which have guided the executive government of Ireland of late years," and calls on me to express an opinion on the expediency of persevering in them. I shall say nothing of the remainder of the resolution, of the "effectual administration of the law," and of "the general improvement of that part of the United Kingdom." Nay, I shall consider it, if you please, as a direct and positive approval of the government of Lord Normanby. I do not desire to censure Lord Normanby. It cannot be expected that I should praise him; but censure him I will not. I shall, in what I have to say, simply state the grounds on which I say "No," to the resolution of the noble lord. I am asked to approve of the general policy of the government, as applied to that part of the United Kingdom called Ireland. Now, how I or the House of Commons can be expected to approve of any particular line of policy pursued by a government—how we can be called on to affirm any laudatory proposition to that effect, without having any special intelligence on the subject, in absence of all information as to the results of that policy, is more than I am able to comprehend. And if the House of Commons shares in my inability of comprehension, and will permit me to do so, I shall assign my reasons for thinking that it would be very unwise of them to accede to the noble lord's proposition. In this process we come, in the first instance, to the effect of this policy on the country to which it has been applied. And here I take leave to say, in the outset of my investigation into it, that nothing can give me greater pain than to be obliged to condemn the conduct of Lord Normanby. I have known Lord Normanby for a long period—from his very early youth I have known and esteemed him; and though I may not be entitled to call him my friend, I rejoiced, in common with all others who shared his acquaintance, in the development and expansion of those shining abilities and great natural parts with which he is unquestionably endowed. I believe, like Lord Glenelg, that the noble lord has displayed great official aptitude, and has conscientiously discharged his duty; and that, though he has not conciliated his political enemies in his public career, he has not alienated a single public or private friend. Sir, I wish the noble lord had not confined himself to the conduct of Lord Normanby, while in Ireland; but had entered on the broad principles of general government. If, however, I am asked on what principles that country should be governed, I can have no hesitation in answering the question. In the first place, I say that the government should be perfectly impartial as regards the administration of justice—for to withhold justice

on any grounds is to withhold the right; and it should be freely and equally dispensed to all, of every class, sect, and condition. [Mr. H. Grattan: You did not act on that principle.] If the hon. member will have the goodness to permit me to proceed without interruption, he shall have ample opportunity of answering or refuting my position at a future period. Sir, I think, also, that the royal prerogative of mercy should be carefully exercised and cautiously extended. As I said before, I look upon its exercise as a strictly judicial proceeding, and, therefore, I consider that it should be administered as a judicial act alone. All considerations of personal feeling, political interest, or party advantage, should be entirely disregarded in dealing it out; and it should be exercised, as the laws are, with caution and with judgment. I say, then, that as the law has made all men equal in that country—equally qualified all classes, and made them eligible for office under the government, the Crown should not create any disqualification, on the ground of religion or politics, or make a man's religious opinions a bar to his advancement or promotion to place. But I make this exception, in accordance with the view of the noble lord, that those who participate in the same opinions as you do in religion and in politics, should have the preference. And this is what I complain of in the noble lord and those who support him. He takes this liberty to himself, and very properly, of preferring his friends, and he complains of the right, which he unquestionably has in that respect, being impugned; yet, because I acted on the same principles, precisely the same, when I was in office, he charges me with injustice, partiality, and the encouragement of Orangeism. He does not do me the justice he claims for himself. I never taunted the noble lord with his choice of Roman Catholics to fill situations under the government, because they were either adverse to me in religious opinions, or because they were his political friends and supporters. What I charged him with was, that by selecting certain persons to fill situations of trust under the Crown, he gave encouragement to societies whose objects were adverse to the law, these persons being members of them. And, therefore, I must be understood to mean, when I say that religious or political opinions do not necessarily disqualify a man for office, that one's own friends should naturally be preferred. I say this, also—I say, that I cordially adhere to the resolution of 1836, to which I subscribed, respecting Orange societies in Ireland. I care not whether, in saying so, I provoke opposition from persons who conscientiously believe, that Orange societies differ essentially from all others, or approval from those who hold contrary opinions. I adhere, I say, to the terms and the spirit of the resolution of 1836.—“That an humble address be presented to his Majesty, praying that his Majesty be graciously pleased to take such measures as to his Majesty may seem advisable, for the effectual discouragement of Orange lodges, and generally of all political societies, including persons of a different religious faith, using secret signs and symbols, and acting by means of associated branches.”

I adhere to this resolution, I say, but I go even further; for I think that the Crown ought, in cases to which the law cannot reach, discourage by the strong expression of its opinion, all processions, and manifestations of party spirit, which could have the effect of wounding the feelings of others. But while I hold this doctrine as regards Orange societies, I also hold that the government should act impartially with regard to other societies. For while I adhere to the resolution of 1836, I also agree with the address of 1834—that document which, at the instance of the noble lord, and his colleagues, it was my duty to present to the Crown. These are the words of that address:—“We fully participate with your Majesty in the feelings of deep regret and just indignation with which your Majesty has seen the continuance of attempts to excite the people of this country to demand a repeal of the legislative Union. We thank your Majesty for the renewed assurance of your Majesty's final and unalterable resolution, under the blessing of Divine Providence, to maintain this bond of our national strength and safety inviolate, by all the means in your Majesty's power, and we assure your Majesty, that in the support of this determination your Majesty may rely with confidence on our zealous and effectual co-operation.

“We fully concur in the opinion of your Majesty, that the practices which have been used to produce disaffection of the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed to the spirit of insubordination, which, though for the present, in a great degree, controlled by the power of the law, has been but too preceptible in many instances.



"We are convinced that to none, more than the deluded instruments of the agitation thus perniciously exerted, is the continuance of such a spirit productive of the most ruinous consequences; and your Majesty may rely upon our united and vigorous exertions, in conjunction with all the loyal and well-affected in aid of the government, to put an end to a system of excitement and violence, which, while it continues, is destructive of the peace of society, and, if successful, must prove fatal to the power and safety of the United Kingdom."

Sir, I take both propositions, and I cannot hesitate to express it as my firm and unalterable conviction, that the government which discourages Orange associations is under an equal obligation to discourage other societies and associations which have for their object a "pernicious agitation," which indulge in frequent references to physical force, which produce "excitement and violence," and which, "if successful, must prove fatal to the power and safety of the United Kingdom." Even though they have no secret signs or symbols, still it is the duty of the government to discourage them; such being their proceeding, such their object, and such their probable result. I speak not of coercion laws—I allude not to punishments; I speak alone of the interposition of the authority of government by a strong manifestation of opinion on the subject; and I may add, that if it was right of the noble lord's administration to dismiss my hon. and gallant friend behind me (Colonel Verner) from the commission of the peace, for proposing a certain toast at a convivial party, it would have also been right if the government which did it had omitted to make some appointments which they have since made, and if they had broken others which are in being. Maintaining, then, these opinions, I shall not conceal that I think all the acts of the government should be always consistent with the maintenance of the Established Church in Ireland. When the noble lord declared that, although the Presbyterian Church in Scotland might have some connection with the State, yet there was something in the peculiar tenets and observances of the Roman Catholic Church which precluded a similar connection, the noble lord has arrived at the same conclusion as myself—namely, that the maintenance of the Established Church in Ireland is in accordance with the qualifications annexed to the Act of Union and to the Catholic Relief Bill. The noble lord does not, I presume, withhold his assent from the proposition, that an equality of civil and religious liberty in Ireland ought to be preserved, consistently with the maintenance of the Established Church in its rights and privileges. I have stated my opinions frankly and freely. They may offend persons of extreme politics in various parties. I care not. If the hope of attaining to political power was based upon the contrary, and if a return to it was only on the condition of opposition to the Established Church of Ireland, fully and freely would I abandon that hope, and altogether discard the desire it might have given rise to. I must now tell the noble lord the reason of my opposition to Lord Normanby's government. As I said before, I propose no censure on it; but I try it by no test which I am not satisfied to have applied to myself. I am as ready to submit the acts of my own government to inquiry, as I am to investigate the acts of the government of which that noble lord was the executive officer. But I cannot give the policy of the noble lord's administration my approval. That I tell you candidly. I tell you, however, with the same candour, that I am no less disposed to praise than blame, where it is due; and that where approbation is merited, it will not be withheld by me. I think, for instance, that he is entitled to praise in respect of the disposal of the ecclesiastical patronage in Ireland; that is, as far as I can judge from the reports which have reached me up to this time. But I think, that he is entitled to condemnation for other things. This is the ground on which I withhold my consent to your motion. I cannot say, that I believe you have acted with impartiality in Ireland. I cannot conscientiously say, that I consider you have taken all the steps which you ought to have taken, and should have taken, to discourage associations adverse to the peace of the country, because promotive of agitation and discord amongst its inhabitants. I am sorry to be obliged to revert to such subjects; but the noble lord is alone to blame for it. He challenged me to do it, and I may not refuse him. I cannot say, that I think the conduct of Lord Normanby, with respect to the exercise of the royal prerogative, entitled to my confidence. I do not accuse him of exercising it corruptly, with unworthy motives, or for improper purposes; but I do say, that in my opinion, the manner in which he remitted several judicial

sentences in Ireland, in 1836, was anything except calculated to promote "the effectual administration of the law," or bring about "the general improvement of that part of the United Kingdom." And, if I think, as I have stated I do, that the extension of the prerogative of mercy, should be a judicial act, and not a matter of public display for public applause, I cannot think, that that noble lord acted rightly in extending it in the peculiar way he did, in various places in that country. The number of cases to which it was extended is not at all of the importance which the noble Lord (J. Russell) would fain make it; it is the nature of these cases, and the manner in which mercy is extended to them, which gives importance to this part of the subject. One case of mercy ill-applied, or improperly exercised, might paralyze the whole course of justice more than a thousand not liable to these objections. The noble lord says, that there were only seventy cases, and that they were spread over a period of 145 months' imprisonment, as if that commutation or confounding of time could in any way affect the question. It reminds me of the argument used by two travellers, who having nine miles to walk, calculated that it was only four miles and a half each. Such, in effect, was the argument of the noble lord, as far as that subject was concerned. Sir, I cannot conceive that the public service required such a demonstration as was made by the Lord-lieutenant of Ireland, when travelling through it shortly before his vacation of that office. The impression was created in the public mind, that the remission of the term of imprisonment in numerous instances, was a sort of ornament to a Lord-lieutenant's progress. Such a display would have been misplaced in any country, however light the offences, or however long the imprisonment of the criminals might have been, and was most indefensible in such a country as Ireland. Whatever were the causes of offence, or however just was the mercy extended to the prisoners, if considered under other circumstances, I ask, was it proper that the prerogative of mercy should be extended as it was in the county of Sligo? Taking an account of the progress, from a paper favourable to the government, I find it stated, that the Lord-lieutenant was followed into Sligo by a retinue of 40,000 people—that, in fact, the whole road from Collooney to Sligo, was one living mass. The passage in the newspaper was to this effect: "we have often said, that in no county of Ireland was there more striking patriotism than in Sligo; and our observations have been confirmed by Lord Mulgrave's reception. Never before was there such a display. Lord Mulgrave was followed into the town by at least 40,000 persons. We never before saw such a concourse. On his arrival at the court-house, the doors were found to be closed, although they were the doors of his own court-house, or of the Queen's, whose representative he is. He had to enter into his own court-house by the back way. The populace, however, soon burst open the gates, and possessed themselves of the court, where, to their credit, they behaved themselves as if the judges had been there. Lord Mulgrave then went to the gaol, when he liberated some persons who were confined for minor offences." Is this, I ask, the mode by which the law was likely to be held in respect in Ireland? Is this the mode of administering the law there, which is to be taken in proof of the goodness of the executive government? I know of nothing, among such an excitable people, more calculated to injure or weaken a government than this; and on this ground, therefore, do I arraign the executive government of that country, or, at least, dissent from the approbation which the noble lord seeks as a sanction for its proceedings. But this is not the only ground. I differ from the noble lord, in relation to this part of my argument, on another ground; although, if I may rely on the assurance of the noble lord, we agree in the principle involved. Sir, the noble lord has declared his enmity against Orange associations, and against other associations, also, whose existence he declaims against as subversive of order, and on all accounts most desirable to have suppressed. But does this declaration agree with the conduct of government respecting those who are known to have taken the most prominent part in the propagation and maintenance of such associations? Here, or in Ireland, can the character of the government be safely staked by the noble lord on the grounds of its consistency with respect to those associations? I strongly dissent from such an assumption. Sir, there now sits by the side of the noble lord, an hon. gentleman, whose ability and general conduct I will not touch in the slightest degree. His talents are of sufficient eminence to entitle him to advancement, if their estimation were not weakened by his political tendencies. But I do quarrel with the govern-

ment of Ireland for seeking out the decided supporter of an obnoxious association to fill an office of much delicacy and importance. The noble lord has stated, and I have no doubt truly stated, the confidence he had in the hon. and learned gentleman to whom I allude (Mr. Pigot). And, referring to the connection of that hon. gentleman with the general association, the noble lord has told us, that the association was dissolved before the hon. gentleman was made Solicitor-general. But what proof is this that the government is guided by the principles that its members profess? It was notorious, that the hon. gentleman had been a member of that association, and an active and zealous one too. And yet, an appointment was given to the hon. gentleman, of peculiar trust and delicacy; one, indeed, which implied and required the consultation of the holder, and his advice and assistance, on the suppression of those very associations which the hon. gentleman had supported, and which the noble lord condemns. Sir, the proof of the connection of the hon. gentleman with the association, and the corroboration, if any were wanting, of the extreme want of caution and consistency of the government in promoting him to such an office, under the peculiar circumstances of the case, is contained in a report of the proceedings of the association, at a meeting which was occupied chiefly in discussing what had recently taken place in the Court of Exchequer in Ireland. A list was produced to the meeting of those counsel on the liberal side of politics who had signed tithe declarations, on the plea side of the Court of Exchequer; and with reference to the name that stood first on the list, Mr. Redmond said, "it was a fact, that at the commencement of the association, that gifted individual had given all the aid of his sensible and powerful mind in its formation, and in advancing it to that proud and permanent station which it held at present. He had proved himself one of its most useful, most active, and most zealous supporters." That gentleman was Mr. Pigot. Sir, I will now test the sincerity of the assent, as the noble lord assents to my proposition, that the Protestant Church should be retained as the Established Church of Ireland. I will test by the acts of government, the professed desire of its members, that the Church of Ireland should be sustained with all her rights and privileges, and the test I apply is a declaration, reported in a paper favourable to the government, as having been made by a noble lord, who is a member of her Majesty's household—a declaration, tantamount to a desire for the entire destruction of the Church of Ireland. The noble lord to whom I allude (the Marquess of Headfort), a Lord-lieutenant of an Irish county, and one of her Majesty's household, has publicly declared his opinion, that no permanent improvement can be expected to take place in that country, as long as the Irish Church Establishment exists. At a public meeting in Ireland, he moved a resolution to this effect:—"That it is impossible to expect peace in this country while the present Church Establishment is suffered to exist." The terms of the resolution are not given; but this is stated to be the gist and substance of it. The declaration made by the noble lord was, that he thought it just that the Protestant should pay tithes, but that the Roman Catholic should cease to pay it. Now, seeing the connection of that nobleman with the government, and that no expression of dissatisfaction followed the declaration of his opinion, I say I cannot confide in the sincerity of the noble lord's declaration in favour of the Established Church, and I have strong grounds for dissenting from the approbation of the conduct of the government which this House is called upon to confirm. Sir, I have now assigned the grounds for my not concurring in the resolution proposed by the noble lord. The noble lord has said that the course of my proceeding would rather require that I should move the previous question—that it is a reason for doing so. It may be so. As I have already said, I move no vote of censure. It would be inconsistent with my course to move a vote of censure. It is more consistent with my views, to ask the House to pause, and to suspend their judgment until they have obtained further information. But, if you say that I ought to affirm an express assent or dissent, then I tell you at once, that for the reasons I have assigned, and with the explanations I have given of my opinion as to the principles on which Ireland should be governed, I will not hesitate to say—No! to your resolution. I have now done; and I thank the House for the attentive hearing it has accorded me. I have attempted to show that a partial declaration of opinion on the part of the House with respect to the policy of the government is not to be justified, and that a collision with the House

of Lords cannot be in justice maintained: at the same time, I have not shrunk from declaring to you why, upon Irish grounds, I cannot assent to express an approval of your Irish policy. Should you—the House—think it fit to pronounce a judgment without inquiring, you will do so. If you agree with Mr. Burke, that the peculiar functions of the House of Commons are to exercise a strict control over all the acts of the executive and judicial magistracy, you will pause before you pronounce an opinion. If on looking at the increase of crime in Ireland, and above all, at those most discreditable documents—the reports of the inspectors of prisons and of the clerks of the peace—you think it fitting to declare, that the administration of the law has been effectually provided in Ireland, or that the due execution of it has been advanced; if, with these documents, relating to the same offences, and to the same period of time, but showing an extraordinary difference in amount of crime—the returns of the inspectors for the year 1837 declaring that 14,804 persons were committed, while the returns of the clerks of the peace, for the same period and same offences, state that there were 27,300 persons committed, being a difference of 12,000—if, with these disagreeing statements, and upon these discrepancies before them, the House of Commons will undertake to pronounce an opinion with respect to the administration of the law, they may unquestionably do so; but I ask, how, with any regard to consistency in your proceedings, you can venture to pronounce an opinion upon the subject? The noble lord may talk of the character and dignity of the House of Commons; but it would be neither consistent with its character nor with its dignity to make any declaration as to the state of crime in Ireland upon such *data* as these. With respect to a collision with the House of Lords, I ask, whether it is for the public interest that any such collision should take place? Looking at the state of this country, and looking at the condition of affairs abroad, was there ever a period in which it was of more importance to maintain harmony between the different branches of the constitution? Do you think, looking at the proceedings in the north of England, you are promoting the cause of tranquillity and the public interest, by holding up the House of Commons and the House of Lords as being at variance? Above all, if these considerations do not move you, I implore you earnestly, but respectfully, to consider, what is due to your honour and to your own character. I implore you not to enter into a premature resolution without the necessary information to guide you; nor to make abstract declarations of opinion upon partial branches of policy, unless you feel confident that there is some absolute and overruling necessity; above all, I ask you not to enter into a collision with the House of Lords, unless you feel justified that there is good cause for collision, and unless you have well considered the consequences of such a proceeding. That great poet, to whom I have already alluded, and whose writings are full of more lessons of practical wisdom than the writings of any uninspired writer, has given advice with respect to entering into quarrels, and, although given to an individual, may be equally profited by a public and national body—

“Beware  
Of entrance to quarrels; but being in,  
Bear it that the opposer may beware of thee.”

You are about to commit a double violation of that precept. You are about to enter into a quarrel, hastily and unwarily; and you have proved that you are about to conduct yourselves in it in a manner that will insure neither terror nor respect. While you are on the threshold of that quarrel, and can still recede, I entreat you to pause. I entreat you, as you value the character of the House of Commons, believing in my conscience that you have no superfluous authority, and desirous as I am that you may maintain every privilege that belongs to you, and that your authority over the people may be preserved intact, with these feelings, I conjure you to reserve the manifestation of your displeasure for some occasion, when, cheered by the sympathies of the people, and confident in the righteousness of your cause, you may be enabled to assume a part, and to speak in accents better suited than the present resolution is, to the offended dignity of the House of Commons. The right hon. baronet concluded, by moving the following amendment:—

“That, on the 13th day of March last, a motion was made in this House for the production of various documents connected with the state of Ireland in respect to crime and outrage, including communications made to the Irish government relating

to offenders connected with ribandism, and all memorials, resolutions, and addresses, forwarded to the Irish government by magistrates, or other official persons, in respect of crimes and outrages committed in Ireland, and the answers thereto.

"That the period included within the returns so called for, extends from the commencement of the year 1835 to the present time; and that the motion made for the production of them was assented to by this House, no opposition to it having been offered on the part of her Majesty's government.

"That, on the 21st day of March last, the House of Lords appointed a select committee 'to inquire into the state of Ireland since the year 1835, in respect to crime and outrage, which have rendered life and property insecure in that part of the empire.'

"That, in consequence of the appointment of such committee by the House of Lords, it has been proposed, that this House should resolve, 'That it is the opinion of this House that it is expedient to persevere in those principles which have guided the executive government of Ireland of late years, and which have tended to the effectual administration of the law, and the general improvement of that part of the United Kingdom.'

"Resolved, That it appears to this House that the appointment of a committee of inquiry by the House of Lords, under the circumstances, and for the purpose above mentioned, does not justify her Majesty's ministers in calling upon this House, without previous inquiry, or even the production of the information which this House has required, to make a declaration of opinion with respect to one branch of the public policy of the executive government, still less a declaration of opinion, which is neither explicit as to the principles which it professes to approve, nor definite as to the period to which it refers; and that it is not fitting that this House should adopt a proceeding which has the appearance of calling in question the undoubted right of the House of Lords to inquire into the state of Ireland in respect to crime and outrage, more especially when the exercise of that right by the House of Lords does not interfere with any previous proceeding or resolution of the House of Commons, nor with the progress of any legislative measure assented to by the House of Commons, or at present under its consideration."

On the fifth night of the debate the House divided, government obtaining a majority of 22.

## JAMAICA GOVERNMENT BILL.

MAY 3, 1839.

The order of the day having been read for going into committee on this Bill, Lord John Russell moved that the Speaker do now leave the chair.

SIR ROBERT PEEL had hoped that the House might have been spared the necessity of the present discussion, and that they might have come to some arrangement with respect to the government of Jamaica, without any party conflict, or even any serious division of opinion as to the course which it might be advisable to pursue. He had the strongest impression that it was desirable to exhaust every alternative, before proceeding to the forfeiture of the constitution of that important colony, or to the suspension of the system of representative government, and establishing a despotic and arbitrary power in place of that liberal system which had prevailed for upwards of 150 years. He thought, also, that in the event of the necessity for interference being demonstrated by proofs, too unequivocal to be called in question, it was of the utmost importance that the measure to be adopted, in consequence of the continued refusal of the local authorities to exercise their power, should be sanctioned by as strong and as unanimous a concurrence of public sentiment in this country as it was possible to obtain. It was from these joint impressions, of the expediency of postponing the application of absolute suspension till every other alternative had been exhausted, and, if it should at length be inevitable, of the expediency of supporting the measure by the almost unanimous voice of parliament, that he had ventured to make a proposition to her Majesty's government on this subject. It might be that from his imperfect acquaintance with the West Indian colonies, from the absence of the slightest in-

terest with regard to them, and from his want of local knowledge, he overrated the magnitude of this question. He was sure he took a view of its magnitude, different from that which was taken by her Majesty's government, and he had been led to form different conclusions. He had not heard any message delivered to the House respecting Jamaica. He had heard that night a message from the throne, suggesting the union of the Canadas, but he had heard no message lamenting the necessity, but recommending the measure, of suspending the constitution of Jamaica. Nay, he had heard it proposed that the House should depart from the ordinary forms of conducting business, in respect to this measure, and that, the notice having dropped on a preceding day, from a failure of making a House, leave should be given, as a matter of course, to bring in the bill. These circumstances led him to suppose that he formed a different estimate of the importance and magnitude of this question from that which was formed by government. There were other reasons, he confessed, than the abstract consideration of the merits of the question, that led him to a conclusion adverse to abrogating the constitution of this colony. The precedent of Canada, last year, when the House felt themselves under the painful necessity of suspending in that country a popular form of government, was not, in his opinion, an example to be followed, so that the House should, in the very next session, present themselves to the world as compelled to suspend another popular form of government in Jamaica. If, having in one year suspended a popular form of government in the North American provinces, they were, in the very next year, to adopt a similar measure towards the most important of the West Indian colonies, it might seem to be a practice of the parliament to suspend a constitution every session. He would have the House to bear in mind, that the parties with whom they had to deal, had had no notice of this proceeding—that the colonists were up to this hour entirely unaware of the heavy penalty about to be inflicted upon them. He had thought, in considering the possibility that extreme measures might ultimately be forced upon us, that if we had recourse to them after full notice and warning to the colonists, after enabling them to become acquainted with the accusation preferred against them, the infliction would then be more conformable to our sense of justice. Having most carefully examined the papers bearing on this subject, which had been laid before the House, and having re-examined them since the first occasion, he declared with perfect sincerity, that he did not think the House was justified in passing this measure, or that there was any vindication in equity and justice for the course they were about to pursue. He agreed with Mr. Canning, that it would be indeed unwise in the House to abdicate its right of control over the colonies. He agreed with Mr. Canning in the sentiments expressed by him in the following passage, in the year 1824:—"I shall be asked, what are the intentions of the government as to those colonies; by what means is it intended to bring them to reason, and induce them to adopt the views and second the determinations of parliament? There are three possible modes in which parliament might deal with the people of Jamaica. First, it might crush them; by the application of direct force, we might crush them with a finger. Secondly, we might harass them by fiscal regulations and enactments, restraining their navigation. Thirdly, we might pursue the slow and steady course of temperate but authoritative admonition. Now, if I am asked which course I would advise, I am for first trying that which I have last mentioned. I trust we shall never be driven to the second; and with respect to the first, I will only now say, that no feeling of wounded pride, no motive of questionable expediency, nothing short of real and demonstrable necessity shall induce me to moot the awful question of the transcendental power of parliament over every dependency of the British Crown. That transcendental power is an areamum of empire, which ought to be kept back within the penetralia of the constitution. It exists, but it should be veiled. It should not be produced on trifling occasions, or in cases of petty refractoriness, or temporary misconduct. It should be brought forward only in the utmost extremity of the State, where other remedies have failed, to stay the raging of some moral or political pestilence." He could not say that he thought the utmost extremity of this State had arrived; he could not say, looking at the papers laid before the House, that there was any vindication for bringing from the penetralia of the temple, the transcendental power to which Mr. Canning alluded. He begged the House to consider the nature of the measure they were now asked to pass, and the society to which it

was to be applied. He wished he could impress them with his own conviction of the deep importance of this question, of the dangerous consequences that would probably follow the double precedent they were now about to set, and the general uneasiness that would be caused in other colonies. He wished he could only impress the House with half the force of his own conviction, and then he should at least insure himself a patient and attentive hearing. The enacting clauses of this bill were contained in two pages; it was a brief and compendious measure, and wisely so; for, first, the necessity of the case might absolutely require, if they were determined to pass this law, that they should take such extraordinary powers; and, secondly, the bill was neither more nor less than a bill for the establishment of a complete despotism. It would establish the most unqualified, unchecked, unmitigated power that was ever applied to the government of any community. He presumed they were not yet arrived at the period when there would be no permission granted to discuss possible abuses of power. It was not sufficient to tell him, that the powers intrusted would not be abused. They ought, in determining a constitution for another people, to consider, not what were the lucky accidents by which tyranny might be averted, but what were the guarantees which the people could have for protection against injustice and oppression. He wished not to be chargeable with the slightest exaggeration in describing the nature of the provisions of this bill; but he asked, was there any Crown colony, not having a charter, and governed by absolute power, that was subject to such regulations as would be established by this measure? Had they ever treated with so much severity a conquered colony, amidst the first heat of animosity after the contest? Some precautions had generally been taken to maintain the existing laws, and the rights and privileges of the inhabitants, but in this case every such precaution was neglected. Ministers took for the Crown the course of appointing councillors, without the slightest reference to the wishes of the governed; they gave to the governor and council unlimited power, without the least check on its exercise from any local authority, enacting, that whatever law they chose to pass, should endure for eighteen months without control. They had passed an act last session, suspending the constitution of Canada. In that case, distinct notice had been given; the supplies had been refused for several years, contrary to what was looked upon as an implied contract; resolutions had been passed, warning the colony of what they might expect; and at length a bill was passed. But had they applied to that colony, then labouring under the ills arising from rebellion, such a measure as they now proposed for Jamaica? Not at all. There was not a word in the preamble of this bill, as to the intention of government in passing it; but in the preamble of the Canada bill, it was distinctly stated, that the measure was intended to enable parliament to frame another constitution, based on popular principles. The plea on which they rested their justification for suspending a popular form of government was, that the measure was only to be temporary, and that its powers were necessary to enable them to restore, in an improved shape, the ancient constitution of the colony. The preamble of that bill contained this recital:—"And whereas it is expedient to make temporary provision for the government of Lower Canada, in order that parliament may be enabled, after mature deliberation, to make permanent arrangements for constructing anew the government of the said province, upon such a basis as may best secure the rights and liberties, and promote the interests of all classes of her Majesty's subjects in the said province." There was not a word of such intentions in the preamble of the present measure, and could they affect to be ignorant, that part of the support given to this bill, was founded on the hope, that the bill would be of permanent duration? He knew they professed that the bill was to be only temporary; that five years had been originally fixed as the period of its duration, and that a proposal might be made to curtail the term: but were they not aware, that there were some men who gave their support to the bill, in the hope that this temporary eclipse of public liberty would not be permitted to expire, that the dismal twilight would continue after the two years or the five years had elapsed, in the belief, that when the light of representative government should once be extinguished, there was no "Promethean heat that could that light relume." He did not think that speculation extravagant; he did not think they would find it so easy to re-establish a popular form of government, or that they now foresaw all the consequences that might result from this. Could they believe it possible that the

colony would tamely acquiesce in this treatment, would submit with perfect cheerfulness and satisfaction? Was it in human nature to do so? Could they hope it, after the demonstration of public feeling on the part of those connected with Jamaica? Did they think it likely, that three salaried commissioners sent from home could govern to the satisfaction of the colonists? They gave by this bill unlimited power of taxation, while professing to hold that people should not be taxed without their own consent. They abolished the representative body, which had hitherto possessed the power of imposing taxation, and transferred that power of taxation to a governor and council, appointed without the slightest reference to the feelings and wishes of the colonists. He saw something like an incredulous smile upon the countenances of ministers; but could they deny, that there was no limit to the power of taxation granted to the colony, or to their power of making laws? Suppose this council met with opposition, could not they at once suspend the Habeas Corpus Act? The press of the colony seemed tolerably violent, as far as he could judge. Suppose that it should persevere in using inflammatory and exciting language, and that the council should think its freedom incompatible with the safety of the new government, why might they not at once abolish it? They might tell him, that the council would not do this; but was he not at liberty to argue on the possible abuses of arbitrary government? He defied them to show him any security against those abuses, any protection for the liberty of thought. There was no constitutional security, none except what might be found in the good-will of the parties exercising this power. A guarantee against undue oppression was provided for the rebellious colonists of Canada, but no limits were set to the powers that might be called into action against the people of Jamaica. In the case of Canada, it was provided that the council should have no power to impose any tax, duty, rate, or impost, by any ordinance, save only so far as any such tax or impost, payable at the passing of the act, might thereby be continued. It was carefully provided, that the colonists should not be exposed to the evils of oppressive taxation; the council was debarred from increasing the public burdens. They gave no such security to Jamaica. In regard to personal liberty, to property, to the imposition of taxation, the power they took was perfectly unprecedented. Was he in error as to the nature of the provisions which it was intended to pass into a law? There was not a word in the preamble, of the ultimate intentions of the Imperial legislature—not a word, in the enacting part, of check or control. And now, what was the society to which this bill was to be applied? To understand this part of the question clearly, the House must bear in mind, that Jamaica represents one-half of the possessions of the British Crown in the West Indies; they were about, therefore, to suspend the constitutional government, to establish despotic authority, over one-half of the West India colonies. He was taking the whole of our colonies in that quarter of the world, those in South America as well as the islands. Let not hon. members, let not the House think, that the precedent of this bill for suspending the constitution of Jamaica, and establishing arbitrary authority, did not apply to other of our colonies in those quarters—to British Guiana for instance. Let them not think, that it did not apply except to a small portion of colonial community. He would show them, that the bill would apply to one-half of the population of the West Indian and South American colonies, and also to one-half of every thing that constituted the value of those colonies to Great Britain. The white population of Jamaica, was equal in numbers to one-half of the whole white population of the British colonies in the West Indies and in South America. The whole public revenue of the West Indian colonies was £540,000; the revenue of Jamaica alone amounted to £300,000, being more, as the House saw, than one-half of the whole. The whole annual expenditure of those colonies was £551,000; the annual expenditure of Jamaica reached £300,000. These statements greatly underrated, he believed, the importance of Jamaica, as exhibited by the amount of its taxation and expenditure; but if the bill passed into a law as it stood, the whole of this taxation would be raised by the new council, consisting in part of the stipendiary servants of the Crown. The whole of the expenditure, also, would take place under their direction. Again, the value of the imports of the British colonies in the West Indies and in South America, in 1838, amounted to £5,806,000. The value of the imports into Jamaica, in the same year, was upwards of £3,000,000. The amount of the total exports of the West Indian and South American colonies



in that year, was £9,932,300; the amount of exports from Jamaica, in the same period, was calculated at £4,000,000. He had therefore shown, that Jamaica represented one half the trade, one half the revenues, and one half the population, of the West Indian and South American colonies. So much for the importance of Jamaica, as a colony. Next, he would entreat the House to recollect what was the nature of society there—what the character of the people they were about to submit to this extraordinary experiment. It was true, that the black population outnumbered the white; indeed, that the numbers of the white population were as nothing almost, when compared with those of the black; the power of the government was unlimited, if they chose to appear there as upholding the cause of the black population. They had the power. But he need hardly appeal to the generosity of her Majesty's government, or of the House, to enforce the consideration, that, though they had the power, they were not relieved from the duty of claims, that in point of constitutional right, ought not to be dismissed without ample consideration on the part of the British House of Commons. But there was another point, in his opinion, of great importance; it was impossible to hear the proposal now made on the part of her Majesty's government, without recollecting the circumstances of former conflicts and struggles on the part of this country with her colonies. There might be a great difference on many points between the situation of the United States, at the period referred to, and Jamaica now, in respect of their relations as colonies with this country. The extent of the power exercised by the mother country in the two cases might be very different; the power which we exerted in the island of Jamaica now, might very greatly exceed that which Great Britain exercised over the North American plantations in the year 1774. The power of the mother country might be different, but he entreated the House not on that account to permit itself to disregard some similitudes which certainly existed between the things. He wished hon. members, and especially he wished that the members of her Majesty's government, would read again Mr. Burke's speech on his resolutions for conciliation with the colonies, and especially what Mr. Burke then said in recommendation of conciliatory measures; he wished, too, that they would consider how far that similarity between the two cases which he (Sir R. Peel) had suggested, and which they would do well to bear in mind, had a real existence. Mr. Burke said, that there was exhibited on the part of the colonies a disobedient and intractable spirit; at least, he admitted the fact: and, no doubt, one of the difficulties with which the Imperial government had to contend, in reference to her colonial policy, was to maintain popular government consistently with the peculiar situation of those countries as colonies; they had to contend with the difficulties in administering government which the use of popular assemblies must needs carry along with it; but her Majesty's ministers must have been aware that they had difficulties, which were inseparable from administering government in conjunction with popular assemblies, to contend with, and that they ought to foresee and provide for those difficulties; and it became, therefore, the more important and indispensable, that they should exhaust every possible device of careful and honourable policy before they resorted to the adoption of an extreme measure like this. Mr. Burke enumerated "six capital sources," as he called them, of dispute:—"From these six capital sources—of descent, of form of government, of religion in the northern provinces, of manners in the southern, of education, in the remoteness of situation from the first mover of government—from all these causes, a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth—a spirit that, unhappily, meeting with an exercise of power in England which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us."

These were the six capital causes; and he entreated the House to consider how far these six capital causes, or sources, were in operation in the colonies at the present day. Let the House and her Majesty's government consider whether none of these were in action at present. Did the cause of descent operate nothing at all? If the descent of the original colonists of the North American provinces from certain classes of Englishmen operated, in 1774, to make them the more impatient under the restraints of arbitrary government, how was the colony of Jamaica differently placed, which owed its colonization by British subjects to the conquest that was

made of it by the arms of Cromwell, and whose first English population was composed of those who, disgusted with the excesses of the civil wars, there found a refuge? A similar cause, therefore, of disobedience, operated there in respect of descent, as was in operation in the North American colonies, when Mr. Burke spoke. But, perhaps, it might be thought, that the circumstance of this being a population of slaveholders made a complete distinction, and rendered them more easily governed. According to Mr. Burke, it did not. For while he represented that, religion formed one of the causes of the refractory spirit of the northern provinces; in the south, where the same principles were not in existence, there was still a cause at work—namely, manners, which, in this respect, he considered as supplying the place of religion, as far as regarded the spirit of reluctance to submit to arbitrary rule, and he spoke of the colonies of Virginia and the Carolinas then, as Jamaica now, slave-holding colonies, but without intimating, in the least, that he thought, that because the people of those colonies were slaveholders, that they were on that account the more easily governed. He said, “There is, however, a circumstance attending these colonies which, in my opinion, fully counterbalances this difference,—namely, religion—‘and makes the spirit of liberty still more high and haughty than in those of the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom.’ ‘Freedom is to them not only an enjoyment, but a kind of rank and privilege. I do not mean, Sir, to commend the superior morality of this sentiment, which has, at least, as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such, in our days, were the Poles; and such will be all masters of slaves who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.”

The House might despise the sentiments; but, as Mr. Burke said, it was human nature, and with that nature the House had to deal. So far, therefore, the cases of Virginia and the Carolinas were, he conceived, not so very far different from that of Jamaica. Then, with reference to the distance from the home government, Mr. Burke said—“The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution, and the want of a speedy explanation of a single point is enough to defeat a whole system.”

They had all that difficulty and inconvenience in the case of Jamaica; three thousand miles of seas roll between her and Great Britain, and interpose numberless difficulties in the way of carrying on the government of the country, by an administration at home. When Charles II. came to the throne, or shortly after, in 1661, he gave Jamaica its first regular form of government. The House of Assembly, however, was not established until a period a little later. A governor and council governed the colony. This form of government became subsequently unpopular in the island; but, in 1661, in the midst of the first burst of loyalty which spread throughout the nation and its dependencies, Charles II. provided that the legislative authority should be vested in the governor and council of twelve, and that the members of it should be chosen by the Crown. A few years afterwards, the House of Assembly was constituted. In 1678, began a series of attacks on the privileges of that House of Assembly, by the then ministers of Charles II., which were completely repelled and rendered nugatory, by the firmness and the perseverance of the Assembly. But, let the House remember, a Chatham had not then spoken about the right of imposing taxes on the colonies; the American revolution had not taken place; popular principles were not so well understood then as now; yet Charles II. and his ministers failed in their attempts on the liberty and constitution of Jamaica. He mentioned this, for the purpose of warning hon. gentlemen opposite, that though it was true the negro population greatly exceeded the white population in numbers, they might expect to encounter greater difficulties in administering the government

of Jamaica from home, than the power of so limited a place might suggest. No doubt her Majesty's government would have facilities for carrying the measure into operation. Doubtless the masters would be powerless, if the government declared themselves the protectors of the negroes. But let not the government suppose that Jamaica was an isolated case; let them not suppose, either, that he said this in a minatory tone; but what he meant was, that the effect of proclaiming to Jamaica the principle adopted in this measure, and the spirit which that principle, in his opinion, was calculated to evoke in Jamaica, was not likely to be bounded by the limits of that island, but might be expected to extend to the other West-Indian colonies. If there was any document which, more than another, would clearly show this, it was the address of the assembly of St. Christopher's, which he would quote, that the House might see the possibility of the case of Jamaica attracting sympathy on the part of other colonies, which sympathy was not at present expected to arise, when the new form of government should have come into operation in that island. The House of Assembly of St. Christopher's, not at all foreseeing this measure, but speaking solely of their own affairs, said, in an address to Lord Glenelg—"In conclusion, we firmly assure your lordship, that we shall use all constitutional and legal means for the defence of our best rights. We know that we are weak and poor, and form a very insignificant portion of the empire; but this very inability to stand alone against power, will procure us defenders amongst those of the British parliament who shall consider our cause a just one, and therefore we feel strong in our weakness, and rich in our poverty. We assure your lordship, that we will proceed cautiously and temperately, but, at the same time, with firmness and perseverance, to uphold our chartered and constitutional rights. That we will not tamely surrender, or consent to be robbed, without resistance, of our own, or the rights of our constituents. Trifling as our privileges may appear to your lordship, they are here held dear and sacred, and the loss of them would be severely felt."

This had no reference to the pending measure; but whenever a knowledge of that measure should reach the West Indies, let not the government flatter themselves, that the feeling of indignation would be confined to the Island of Jamaica. A sympathy would be excited throughout the West Indian possessions of the Crown, which, in his opinion, it would not be in human nature to withhold, unless it manifestly appeared, that justice was on the side of the parliament and government of Great Britain. The measure, in his opinion, if it passed in its present shape, would certainly excite a degree of sympathy which, it would be found, would greatly obstruct the success of the new plan of government. Her Majesty's government might bring forward their three new stipendiary councillors, who might be, for any thing he learned from the bill, three aides-de-camp of the governor, and enable them, if they pleased, to exert a power of unlimited taxation; but, if they persisted in this, did they really flatter themselves that they would have the quiet acquiescence of the people of Jamaica in the measure? Did they recollect the act of 1774, for the better regulating the government of the province of Massachusetts Bay? Did they recollect the recital of that act? "Whereas taxation by the parliament of Great Britain, for the purpose of raising revenue, is found by experience to occasion great uneasiness in the minds of his Majesty's subjects in his provinces (Massachusetts), this is to declare, that the King and Parliament of Great Britain will not impose any future tax or assessment for the purpose of raising revenue?"

Did they remark, that the bill took the whole executive power out of the hands of an existing popular governor, and placed it in the hands of a governor and councillors? Did they recollect this? If they referred to the eventful history of that period, could they fail to remark how singular it was, that a bill proposed in the present reign should so nearly resemble the "Act for the better regulating the government of the province of Massachusetts Bay?" But let them remember, that a time came when the parliament of this country was obliged to give in its formal renunciation of the asserted right of taxation, and a solemn declaration followed, stating, that it was necessary and expedient to repeal the act for the better providing for the government of the province of Massachusetts Bay, which was the model on which the present measure for providing for the government of the island of Jamaica was founded. Surely, these considerations ought to have considerable weight with the House, which could scarcely hear them, without conceding that they ought to

have some influence. The House could not consider the origin of the people of Jamaica; they could not consider the history of the conflicts and contentions which had passed between the home government in Charles II.'s time and the House of Assembly of Jamaica; they could not consider the natural repugnance of Jamaica, and of all colonies, to be taxed by the mother country, or by any other than their own representatives, without feeling, that they ought to pause before they made any return to any of those measures to which he had alluded as having been adapted to the North American colonies. The state of the society to which this measure was to be applied, suggested many important considerations; but if there was any one thing which could aggravate the danger and inconvenience to be apprehended from the passing of such an act, more than another—arising, he meant, from out of the measure itself, it would be, to pass the measure on false pretences. If there was any one thing which could tend to diminish the authority of parliament, and lessen the veneration felt for the mother country—if there was any one thing which would go to make a precedent of colonial legislation full of danger to all time to come, that thing would be, and that danger would immediately arise, if they were to pass a bill of this kind on false grounds. He could conceive reasons of public convenience strong enough; he could conceive the occurrence of circumstances imperative enough, to make it necessary to suspend for a time the constitution in a British colony; but if he found that course necessary, his advice to her Majesty's government, or to any government, would be, on their bringing forward a measure for that purpose—"By all means, for the sake of reconciling it to the people, put forth none but your real reasons for proposing the measure." When his noble friend near him proposed a measure for the abolition of slavery in 1833, he (Sir R. Peel) could conceive it possible that it might have been suggested to him, "We are about to make an experiment, the issue of which is necessarily uncertain. We are about to abolish slavery; we are afraid that the measure may call forth local uneasiness; we have no assurance that an Assembly which was calculated for a state of slavery, may not be found unfit to conduct the government where all are to be free. We think that something ought to be done to suspend for a time the functions of the House; we call upon you to relieve the local authorities from the burden of carrying the emancipation into effect; we will take upon ourselves the whole responsibility; we are determined by a general measure to suspend all the West Indian governments, in favour of the liberated class; we are determined, in expectation of the inconvenience and uneasiness which may arise to the colonial governments, to take their duties on ourselves." Such, he could imagine, might have been the tone of the suggestions made to his noble friend at the time when the measure of negro emancipation was yet untried. But that experiment had been made. Freedom had been established, slavery was abolished, and they had not proposed any general measure for the protection of the negro; they did not feel satisfied of the incompetence and unfitness of the local governments to administer their local affairs; that was not the ground on which they rested. Because, if they rested their justification of this measure upon that ground, Jamaica and Barbadoes ought to be subjected to the same measure. They might say, also, that there was a great experiment about to be made in Jamaica. They might say, that the negro population, although they had acquired freedom, had not acquired a right to the elective franchise. They might say, that although the result of the experiment of abolition had exceeded their most sanguine hopes, yet still they were desirous to provide, by the supreme authority, for the admission of the negro population to civil and political rights. If these were the reasons for this bill, they were as applicable to the other colonies, unless they knew of something peculiar in the constitution of Jamaica. But, granting that there was something peculiar—that there was something that made it wise to undertake the solution of this question—why, if this were the true reason that suggested this act, why not put it in the preamble, and tell the grounds on which they rested? He was not aware whether that danger existed which some gentlemen seemed to apprehend. It had been suggested—for the purpose, doubtless, of conciliating support for this act—that it was desirable for the protection of the negroes. If that were true, let it be told. Why not say that they thought there was so much of irritation, that the House of Assembly was unfit to legislate in this particular, and let them know what limitation was to be put upon the precedent they were about to set, and what justification there was for this act? There might be

danger existing—he could not say, from any communications he had had with those who were intimate with the West Indies, that they appeared to apprehend danger to the extent that some seemed to think. The elective franchise in Jamaica was exercised by those who held a freehold of the value of £10 a year currency, or £7 sterling, or a leasehold of the yearly value of £50. Freedom was now established in the island; there was no distinction known, in the eye of the law, between black and white; the black man had a perfect right to be elected to the House of Assembly, and there were in the assembly eight coloured persons, and he rejoiced at it. He thought this was perfectly right, that the negro population should exercise their legitimate rights, but that they could do according to the existing law. The existing law provided that there should be no distinction between black and white; therefore, upon the possession of the necessary freehold, the negro was entitled to the franchise. Did they apprehend that the franchise was too limited or too extensive? As to its being too extensive, no man could exercise the franchise till after he had obtained a freehold, and he could not think that the negro, by his industry, would be admitted in such numbers as greatly to endanger the white population. Then, with reference to the House of Assembly: what was the amount of the qualification of a member of that house? The amount was £300 a-year, or freehold property of the value of £3,000. It did not appear to him that the negro population would exercise immediate control over the constituent or representative body, but they were entitled to freedom and the franchise under the existing law. The late secretary of the colonies suggested that some restrictions should be put upon the franchise—for instance, that the negro should be entitled to exercise the franchise only, in case he was able to read and write. He would not discuss this. It might be very proper that some restrictions should be imposed; but surely these restrictions, fortified by the authority of parliament, the House of Assembly would impose, and would not be disinclined to impose. Why, then, was it necessary to exert the supreme authority of the State to impose any qualification with regard to the franchise? If that was the reason for which this bill was to be passed, let it be distinctly avowed. But the reason that was avowed, was of another kind. He had a right to judge of the bill by the reasons he found alleged in the preamble, and it would be perfectly consistent in him to reject the bill on the ground on which it was proposed to pass it; and yet if he were told, that for public considerations intervention was necessary, it would be perfectly right for him, before he assented to the bill, to demand what pretext or justification there was for it; and if he thought that justification was not well founded, it would be perfectly right in him to refuse to assent to the bill. He had a perfect right to refuse to take into consideration those collateral reasons that might be suggested as the real vindication of this measure. He took it for granted that the House would agree with him, that nothing could be so injurious to their character, nothing so fatal to their authority, as assigning false pretexts for passing a bill. He thought the House would agree with him, also, in thinking, that in a measure of this extreme importance the real cause of passing the bill ought to be stated. He came then to the consideration of whether or not the preamble contained a vindication of this measure. It said,—“Whereas the House of General Assembly of the island of Jamaica, having been summoned to meet on the 17th of December, 1838, to make, constitute, and ordain laws, statutes, and ordinances, for the public welfare and good government of the said island, and having met in pursuance of such summons, did then resolve, that unless certain conditions should be complied with, to which it is not expedient that parliament should accede, they would abstain from the exercise of any legislative function, excepting such as might be necessary to preserve inviolate the faith of the island with the public creditors. And whereas it has thus become necessary that temporary provision should be made for making, constituting, and ordaining, laws, statutes, and ordinances, for the public welfare and good government of the said island; be it therefore enacted,” &c.

That was the whole of the preamble. That was the vindication of this measure. There was not a word of the general unfitness of the local assembly to legislate. There was not a word as to the peculiar circumstances of Jamaica with respect to the elective franchise, to call for the temporary application of the supreme authority. There was merely an allegation that the House of Assembly had refused to perform

their legislative functions. Ministers professed to regret the necessity which gave them the opportunity of proposing this measure; and so far from thinking the local assembly disqualified—so far from its being a subject of exultation, that they had found a good reason for getting rid of them, they appeared to consider it a source of mortification and regret that they should be obliged to resort to this measure. He came next to the consideration of this important question. Was there a sufficient vindication for the suspension of the legislative functions of the House of Assembly stated in the preamble of the bill? Her Majesty's ministers said, that it was not merely on account of the refusal of the House of Assembly to consent to the prison act, and the act for the emancipation of the negroes, but on account of a long-continued series of misconduct, and their refusal to co-operate cordially with the home government, that this measure was necessary. That was one of the reasons assigned. Now, would the House hear him for one moment? The House of Assembly was absent. The House of Assembly was not aware of the indictment that was preferred against them. He would summon some witnesses to appear on the part of the House of Assembly, in order to prove that the alleged continuous misconduct on the part of the House of Assembly, was utterly inconsistent with their past conduct. He had public declarations that were made with respect to the conduct of the House of Assembly. He would summon no witnesses whose testimony was liable to suspicion. The witnesses he would summon should be the ministers themselves, and the governors of the island. The period over which the allegation of refractory conduct extended, dated from the passing of the slavery emancipation bill, in the year 1837—from the latter end of that year. He proposed to divide this period into two, because in the latter part of the period—namely, the period that had elapsed from 1837 to 1839—there had been two new causes of dissension, namely, the precipitate termination of the apprenticeship, and the passing of the prisons' bill. Let the House see how the House of Assembly had acted, to the latter end of the year 1837. He wished he could append to this bill for the destruction of the constitution of Jamaica, the declarations that had been made up to the year 1837, with respect to the conduct of the House of Assembly. The emancipation act was passed in the year 1833. Parliament met in the year 1834, and the Speech from the Throne contained this passage:—"Of the measures which have, in consequence, received the sanction of the legislature, one of the most difficult and important was the bill for the abolition of slavery. The manner in which that beneficent measure has been received throughout the British colonies, and the progress already made in carrying it into execution by the legislature of the island of Jamaica, afford just grounds for anticipating the happiest results."

He would begin with 1834, at that period when a great change in the state of society commenced in Jamaica; and yet, in 1834, the House of Assembly of Jamaica was selected by the Crown for special approbation in the King's Speech, on account of the progress already made in carrying into execution the Slavery Abolition Act. In 1836, the Marquis of Sligo relinquished the government of Jamaica, and he found that, on relinquishing the government, his last despatch to the Secretary of State, dated August 23rd, 1836, contained the following passage:—"In making to your lordship my usual report on the state of the island, the last that in all probability it will be my duty to make in the character of the governor of this colony, it is my pride and satisfaction to say, that I leave the administration of affairs in the hands of my successor in as satisfactory a state as can be well imagined."

A new governor succeeded in 1836; and he would read an extract from his despatch, dated the 8th November, 1836; but first he would read a passage from the new governor's speech to the House of Assembly. The address of the governor (the present governor) on that occasion, was as follows:—"I have not forgotten, that Jamaica set the first example in speedily and laudably giving effect to the wishes of the Imperial parliament, in the furtherance of emancipation, and I feel under great obligations to them for their conduct on this occasion."

Had they been cajoling the House of Assembly? Were not these honest compliments? They were upon record—those compliments were upon record. He would, however, read the despatch of the Governor to the Secretary of State; and before doing so, he would observe, that there was no necessity for cajolery between the Governor and the Secretary of State. To the Secretary of State he would at least

write his honest opinions. It might be said, "Oh, we used very civil terms to the House of Assembly; for although we utterly disapproved of their conduct, we endeavoured to coax them into compliance with our wishes; we were therefore particularly civil to them; unfortunately these civilities are upon record; they appear contrary to our acts, but we can pick out other messages in which we blamed this very body; we were not sincere in those expressions of approbation; we did this from good motives, but we never gave them the slightest credit for their acts; unfortunately, these things are upon record in the papers presented to the House; the declarations of our approbation compared with our acts." But what said the governor of Jamaica, in his despatch to the Secretary of State—and here let him remind the House, that this was not addressed to the House of Assembly—it was addressed, as he before said, to the Secretary of State, and purported to give an account of the dissolution of the Assembly. On the 4th November, 1836, the governor, in proroguing the House of Assembly, said:—"He acknowledged with great pleasure the ready attention which they had given to all his suggestions, and that he was happy to bear testimony to the zeal with which they had applied themselves to the public business, and he could not omit expressing his gratification at the friendly understanding that appeared to animate them upon all occasions during the session."

The preamble of this bill ought to have run thus:—"Whereas compliments have been passed by the governor to the House of Assembly, and whereas those compliments were never intended, and whereas therefore they ought not to be pleaded as obstacles in the passing of this bill:"—let them have this inserted, in order that posterity, looking at their compliments and their acts, may say, that never were enactments so inconsistent with, and so contradictory to their declarations and assurances; and let posterity see what were the grounds of continued misconduct upon which the people of Jamaica had forfeited their constitution. On the 13th of March, 1837, the governor, not addressing the House of Assembly, not cajoling them by compliments, but writing to the Secretary of State, said:—"I enclose for your lordship's information a printed copy of the law, relative to classification, by legal enactment, of the apprenticed population. The chairman of the committee appointed to bring in this bill, communicated with me freely with respect to its details, and, at my suggestion, one or two clauses were struck out, which appeared to me to militate against the provisions of the Imperial Abolition Act."

And what said the Secretary of State on the 1st of May, 1837?—"It has been very gratifying to me to learn by this despatch the successful result of my recommendation, and your efforts to introduce a classification which will effectually obviate the confusion and discontent which might otherwise have prevailed at the expiration of fifteen months from the present time. In this result, I gladly acknowledge one of the beneficial consequences which have followed from the friendly understanding which has prevailed between yourself and the House of Assembly."

If her Majesty's ministers really felt, that all this time the Assembly was utterly unworthy of confidence, why talk of the friendly understanding that prevailed, and the good consequences that resulted from it—if they felt, that that friendly understanding existed only in appearance, and that the House of Assembly was guilty of hollow pretences, and was utterly unworthy of confidence? The government disapproved of the act of classification afterwards; but they did not find out the objections to it till after the lapse of four months, and accordingly, on the 1st of September, the Secretary of State wrote a despatch, recalling the expression of approbation; but still, in the previous May, the opinion of the Secretary of State was, that that bill was one of the beneficial consequences that followed from the friendly understanding that prevailed between himself and the House of Assembly. Was it possible—and let them recollect, that he was only speaking up to May, 1837, when the Secretary of State and the Governor distinctly declared the existence of a friendly understanding, which was attended with the most beneficial consequences—was it possible to assent to a declaration, that even up to that period there had existed nothing of a good understanding? How could they do it? He came, then, to the 24th of October, 1837, which brought him down to the end of the first period. On that occasion the governor, on addressing the House of Assembly, said:—"On my first meeting the legislature, I brought such subjects to their notice as I considered of paramount importance, and I had the satisfaction of witnessing last session an

anxious desire on your part to improve the condition of the negro population. Frequent experience in your local affairs has not diminished my confidence on that and other subjects, particularly that you will receive from me, with your usual liberality, such suggestions as I may have to offer to you for the improvement of the future interests of the masters and apprentices."

Was this truth, or was it not? Had the governor witnessed this anxious desire, or had he not? If he had not witnessed it, was it wise to state that he had? And, if he had witnessed it, let him ask how could they propose this bill in 1837, and with such a declaration on record, how was it possible to consent to the passing of this bill now? He dared say, that her Majesty's ministers might produce other despatches conflicting with those; but what would that show? Was there not upon the public records of parliament this testimony, that, up to the year 1837, the House of Assembly had been guilty of no act that warranted the House of Commons in suspending their constitution? He would now take the other period that had elapsed between the close of 1837 and the present time. He did not appear as the advocate of the House of Assembly. He would not recede from any one expression he had used respecting their conduct. He regretted deeply the course they had taken; nothing could be more unwise. He thought it would have been infinitely better if they had performed the duties, and cordially co-operated in the furtherance of that great experiment, which the people of this country had a right to see fulfilled. He said again, he did not stand there as the advocate of the House of Assembly. He blamed their language—he blamed their acts; but the question the House had to consider was, whether that language and those acts justified the House in suspending the constitution of Jamaica, and placing the liberties and properties of a whole people under the arbitrary control of a governor and his council. He foresaw the time might occur when they would wish that they had attended to his suggestions. He wished that they should pause—that they should remonstrate—that they should see what could be effected by time, that great assuager of human passions as well as of human woes—that they should give the House of Assembly time to reflect upon their conduct, and to become convinced of the impropriety of the course they had adopted. If they had made but one overture of peaceful adjustment, and failed, he had promised to them his cordial support in carrying out any measure which the exigency of the case might then require. But the government had not acted so; they had assumed the case at its utmost extremity of difficulty, and had proposed a course which would place the Assembly more in the right, and ourselves more in the wrong, than at the outset. For his own part, he thought that it would have been better that the government had not passed the Prisoners' bill at the end of a session, and under the circumstances that they did; but that they should have expressed their decision of the necessity for a general legislation upon this subject for all the colonies alike. They should have done this, and sought, as far as possible, to conciliate the local legislature, and explain the urgency of the case; and, failing in this appeal, much of the present difficulty would have been obviated, and the public mind prepared for, and reconciled to, the steps which circumstances might render necessary. Nay, more, he had said, that if delay would, in the present case, be dangerous, if it was absolutely necessary to do something to meet the present difficulty, he would assent to any measure which might be absolutely necessary to carry on the government of the colony. These were the proposals which he then made to her Majesty's ministers, and deeply did he regret that, although he doubted not with the best motives, they had refused to entertain them. But as the government had refused to accede to these terms, he now felt bound to state the grounds upon which he should refuse to assent to the course which they now proposed. As he said before, he thought it impossible, after the admissions made by the government in their despatches, to establish any case of misconduct on the part of the Assembly, warranting such a strong measure as the present, up to the period of October, 1837. He came now to consider what had taken place since 1837. Since that year, two important measures had been passed, the one abolishing or curtailing the apprenticeship system by two years, and the other the Prisons' Act, which had more immediately led to the present rupture. Now, with respect to the first measure, what had occurred? In 1833, the parliament of this country provided that the apprenticeship system should continue till the year 1840, partly to enable them to pass certain measures which



would become necessary under the altered condition of the colonies, and which they had omitted to provide for in the act of emancipation, and partly as a compensation to the West-India proprietors in aid of the £20,000,000, granted as a consideration for their pecuniary loss. In the year 1838, a great ferment took place in this country, accompanying a demand for the curtailment of this apprenticeship system. The government determined to resist this demand, and they did so successfully. But on what did they found this their resistance, but on the simple fact, that the national faith was pledged to the arrangement which had been previously entered into, and that, so strongly did the government feel the obligation of that pledge to be, that they would abdicate their functions rather than yield to public clamour in a demand so obviously in violation of public faith? The motion was, nevertheless, carried against the government, and then they came down and made a motion, which was carried, rescinding the former resolution. But although the government would not consent to this proposition, the curtailment of the apprenticeship system was effected by the local legislature of the island. Now, the Assembly of Jamaica did so from one of two causes, either through fear, or from motives of generosity. Let the government assume of these grounds which ever they pleased. If it were from mere generosity and philanthropic feeling on the part of the legislature of the island—from a desire to terminate the evils of slavery, and ameliorate the condition of the black population, to the sacrifice of some private interests and rights—if this were the incentive to the act, then he thought that it was one which called for and deserved some show of generosity—some conciliatory allowance on the part of the government whose views they had so far endeavoured to meet. But suppose the other alternative to be true, and that they had yielded to the pressure of public opinion, and the severe apprehension of not being able peaceably to maintain their rights and property under other terms. What had the State done in return? It had made no equivalent for the sacrifice; it had declared it would make none. He was ready to grant that it was through the influence of fear that the Assembly had abolished the apprenticeship system; but if so, might not some allowance be fairly made for the irritation naturally occasioned by such a forced abandonment of individual interest, which the government had already said the national faith was pledged to? If, on the other hand, it was from mere motives of generosity that this measure was passed, had not the Assembly a fair right to appeal for some share of generosity from the government in return? You might not admire the chivalrous feelings under which the measure was adopted; but, at least, you should make some allowance if, on coming to the adoption of it, the Assembly indulged in some irritable language which might not strictly be justifiable. He now came to the Prisons' bill. Coincidences were sometimes unpleasant, but, in the present case, he could not avoid referring to some which suggested themselves in a very marked manner. On the 16th of July, the government received an account of the fact, that the colonial legislature of Jamaica, by its own act, had terminated the apprenticeship system at a much earlier period than it was originally limited to. He would beg now to read to the House the terms in which Sir Lionel Smith communicated this important event to the government of this country, in a despatch addressed to Lord Glenelg, dated 16th June, 1838. Sir Lionel Smith says:—"I have the sincere satisfaction to acquaint your lordship that I this day assented to an act which has passed the Council and Assembly, for the total abolition of the pradial apprenticeship on and from the first day of August next." "I anticipate the happiest results from this event towards all classes of her Majesty's subjects." "I beg to enclose your lordship the Act passed on this occasion, which I hope may be found sufficient to secure the rights of the labouring population in their free condition, and to protect the aged, diseased, and infirm. I have, further, the honour to transmit a copy of my speech, by which I prorogued the session to the 17th of next month."

On the 15th of June the governor prorogued both houses of the legislature, which had so conducted themselves as to call forth this address from him:—"Gentlemen of the Council,—Mr. Speaker, and Gentlemen of the House of Assembly,—I congratulate you and the whole country on the Act for the abolition of the apprenticeship from the first of August next, and most fervently do I hope that it may insure to the colony those advantages which equal liberty under wise laws has ever been found to produce." "I am happy that I can now grant you a recess, as I am most anxious

that you should, by returning to your homes, be enabled to make such arrangements as may give encouragement to the industry of the free labourer, and by your example, prepare all ranks to meet the approaching change in a spirit of kindness and mutual good-will."

The governor then added—"It will, I am convinced, prove a source of lasting satisfaction to you, that this final declaration of unrestricted freedom has been the act of the legislature of Jamaica; and I cordially thank you for the great boon it confers upon those whose former condition has long been the cause of painful discontent both here and in the mother country."

Here the governor, in permitting the members to return to their homes, says, he does so, that they may "be enabled to make such arrangements as may give encouragement to the industry of the free labourer," and he assures them that "it would prove a source of lasting satisfaction to them, that this final declaration of unrestricted freedom had been the act of the legislature of Jamaica." This despatch was, as he had said, received on the 16th of July, 1838, and on the very next day the government presented to the House of Lords the bill, which was subsequently passed, for regulating the prisons in our West-India colonies. This was on the very day after the receipt of the intelligence that the legislature of Jamaica had passed the act for abridging the apprenticeship. The answer of the House of Assembly to the opening address of the governor, seemed as if they had anticipated some interference with them by parliament, for they say:—"On receiving the despatches alluded to by your excellency, we shall proceed, in the critical posture in which the island is placed, to give to the momentous matters submitted to us our most serious consideration. Jamaica does, indeed, require repose, and we anxiously hope that, should we determine to remove an unnatural servitude, we shall be left, in the exercise of our constitutional privileges, to legislate for the benefit of all classes, without any further parliamentary interference." He repeated, that on the day after the receipt of the governor's despatch, conveying the intelligence that the legislature of Jamaica had passed the act curtailing the apprenticeship by two years, and putting an end to it altogether by the 1st of August, 1838, ministers presented the Prisons' Regulation bill to the House of Lords. He did not know whether Captain Pringle's report was then printed, though he believed not, but on that he laid no stress. Now, he was ready to concede that the Prisons' bill was a wise measure, and necessary for a general system of prison regulation in our West-India colonies, and that it was right to pass it, and to adhere to it; but at the same time, he could not help calling attention to the unfortunate coincidence, that this measure was proposed by the government at home, upon the very day they had received the intelligence of the House of Assembly having parted with a part of its compensation for the loss of their slaves, at the same time expressing a hope that the legislature of the colony would, in future, be "left in the exercise of their constitutional privileges, to legislate for the benefit of all classes, without any further parliamentary interference." When this fact was considered, did it not, he would ask, form a good ground for overlooking the irritation of the House of Assembly on learning the proceedings in the Imperial parliament? He again declared, that he did not stand there as the advocate or defender of the conduct of the House of Assembly on that occasion. He would admit it to be foolish and unjustifiable; but let him ask, was the course pursued by the government such as at all tended to conciliate the legislature or the people of Jamaica to the Act sent out to them? Even the manner in which the Act was made public, was enough to add to the irritation which its enactments created. The governor proclaimed the Act, and that proclamation was the first intimation which the House of Assembly got of this law, which they were thus called on to obey. The governor subsequently summoned the Assembly, and in his opening speech said not one word about this Act, but merely said, that he had some important despatches to lay before them. The measure, he would admit, might be a good and necessary one, but he would put it to the House, whether the more wise and prudent course would not have been to communicate it in a manner which would have tended to conciliate the Assembly to it? It might be said that there was no precedent for such a course, but neither was there for the Prisons' Bill itself; and as there was none, it would have been wise and prudent to communicate it in a conciliatory manner. What was the course adopted with respect to the bill in Barbadoes?

The governor there sent a message to the House of Assembly—he spoke only from the information derived from a Jamaica paper. In that it was stated, that Sir Eyan McGregor, the governor of Barbadoes, did communicate the nature of the despatches he had received to the Assembly. He informed them of the nature of the bill that had come out—that it had been passed by the Imperial legislature for the general assimilation of prison discipline in the West-India colonies, but that it would not be drawn into a precedent, and that he hoped it would not give rise to any jealousy on the part of the local legislature. That was a prudent and a conciliatory course, but nothing of the kind was done in Jamaica. These, he again said, were matters which should be taken into consideration in looking at the subsequent conduct of the House of Assembly. He repeated, that he did not stand there to vindicate that conduct. He was far from being satisfied with it, or with the spirit which the Assembly had manifested. (Cheers.) He understood that cheer; but hon. members must admit that there was a vast difference between disapproving the acts of the Assembly, and consenting on such grounds as had been stated—on such grounds as the preamble of this bill had put forth—to wrest its long-enjoyed constitution from an old and valuable colony. He would contend, that on such grounds as the preamble set forth, they could not support this bill, and on that ground he could not support it. What he said was, that the preamble of this bill did not support its provisions, and upon that ground he should refuse it his assent. He thought that the House of Commons should not be too prone to resent expressions of jealousy, or any ebullitions of anger in other legislative bodies. He thought that they should have some feeling of sympathy for a popular body, whose jealousy had been excited by acts of interference on the part of the executive power. It was no reflection on themselves to admit it, but admitted it must be, that it was an inseparable condition in the institution of popular assemblies, to be prone to breaking out in excesses; but if they were to be too keen in repressing each of such ebullitions, as it occurred, would they not run the risk of finally destroying altogether the constitutional principle to which those popular bodies owed their existence and their value? And he thought that this House should be the last of these popular assemblies to be too ready in resenting the excesses of others. One fortnight had scarcely elapsed since this House resented a supposed interference, not with its privileges, but with its expressed opinions, by the House of Lords. The House of Commons fancied it saw, in some proceedings of the House of Lords, an interference with its expressed opinions—its adopted course of policy—and therefore it came forward, ready to mark its indignation at the supposed encroachment, and manifest its jealousy of its privileges. That was their last act in reference to the House of Lords. What was to be their next? They were now to approach the House of Lords, and to ask them to punish the refractory Commons of Jamaica. Jealous and vigilant in the assertion of its own privileges, if the House of Lords appointed a committee to inquire into the state of Ireland, which, in fact, was no infringement of the privileges of the Commons, but, at most, contrary to its expressed opinions, this House then agreed to a resolution to express its indignation at such a proceeding, and so justify every popular assembly which might form itself after our mode. The House of Commons, concluded the right hon. baronet, which, on the 22nd of April, had shown its great sensitiveness at what might even remotely affect its rights, now turns on another popular assembly, moving, it was true, in a smaller orbit, but gravitating to a common centre, and for language and conduct which might find an excuse in our example, calls on the House of Lords to help it in crushing, for a time at least, that refractory Assembly. The roof of this House had scarcely ceased to ring with the loud assertion of the rights and privileges of a popular assembly, when we are ready to go up to the House of Lords, and present to them the House of Assembly of Jamaica as a nuisance which ought to be abated. We call upon them to help us to abolish for a time that Assembly, and enable the Lords of Jamaica to tax the people of that colony without representation. “Don’t be alarmed,” we say to them, “Don’t feel any jealousy—don’t fear any abuse—you may depend on the Lords of Jamaica for taxing the people. Popular assemblies are dangerous things: we pray you, therefore, to help us to enable them to exercise all the powers of the government without the intervention of popular representation.” Is the House, I ask, prepared to take this course? If it is, it will place itself in a most strange

position, which may end in placing some of its own dearest privileges in jeopardy. And let me say that, if you are extreme to take amiss all intemperance, every violent expression, every act of indiscretion, on the part of a popular assembly—if you have no fraternal sympathy with other representative bodies—if you are ready ‘to pluck out the moat from your brother’s eye, but consider not the beam that is in your own,’ I still should hope that the example which you are about to set will never, under any future circumstances, be pleaded in derogation of your own privileges; and that you may escape that fate yourselves, which, however, would not be unjust; for, remember, that ‘with what judgment ye judge, ye shall be judged, and with what measure ye mete, shall it be measured to you again.’”

The House divided: Ayes, 294; Noes, 289; majority, 5.

[The result of this division led to the resignation of ministers, and Sir R. Peel’s accession to office. In consequence, however, of her Majesty’s unwillingness to accede to the changes suggested in her Majesty’s household, Sir Robert Peel and his colleagues were necessitated to tender their resignations, which were accepted, and Lord John Russell again resumed the reins of government.]

### PRIVILEGE.—STOCKDALE *v.* HANSARD.

JUNE 17, 1839.

The order of the day for the consideration of the report of the committee on printed papers having been read, Lord John Russell moved the following resolutions:—First, “That it is the opinion of this House, that under the special circumstances of the case of *Stockdale v. Hansard*, it is not expedient to adopt any further proceedings for the purpose of staying the execution of the judgment.” And secondly, “That this House, considering the power of publishing such of its reports, votes, and proceedings, as it shall deem necessary or conducive to the public interests, an essential incident to its constitutional functions, will enter into the consideration of such measures as it may be advisable to take, in consequence of the recent judgment of the Court of Queen’s Bench, for the maintenance and protection of that power, so soon as the committee shall have made that full and complete report on this important matter, which they have declared it to be their intention to make in the commencement of their second report.”

SIR ROBERT PEEL, even had he not been so directly appealed to by the hon. member (Mr. Hume), would have felt it necessary to give his opinion on this question to-night, because he did not shrink from maintaining the opinion he had given in committee. He had advised the committee to the best of his power, and he should advise the House to the best of his power, and without any of that apprehension of the consequences which some hon. members had shown. The hon. gentleman had challenged him to prove, that his present course was not inconsistent with his recorded opinions. On the 30th of May, 1837, he (Sir Robert Peel) was a party to the following resolutions then agreed to by the House:—“That the power of publishing such of its reports, votes, and proceedings, as shall be necessary, or conducive to the public interests, is an essential incident to the constitutional functions of parliament, more especially of this House, as the representative portion of it. That, by the law and privilege of parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding, for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon. That, for any court or tribunal to assume to decide upon matters of privilege, inconsistent with the determination of either house of parliament thereon, is contrary to the law of parliament, and is a breach and contempt of the privileges of parliament.” These were the resolutions agreed to by the House. Shortly afterwards, the hon. and learned the Attorney-general brought the subject of the petition of the printers under the attention of the House, and what were the opinions then given? [Mr. O’Connell: Hear.] It was very well for the hon. and learned gen-

gentleman to exclaim "Hear, hear!" but what was the course that he then pursued, and what was the language then used? He agreed to the appeal then made; and he then stated that they could, so far, make a very favourable case, and that they should stop short as regarded further proceedings. This was the opinion that he then gave. He had not heard without great regret the opinion of the Attorney-general, that it was advisable, on account of the technical and legal difficulties which would accompany any other course of proceeding, to direct the servants of this House to plead to the actions that had been brought against them. He had hoped that this House possessed sufficient power to vindicate, by its own exclusive authority, without the aid or recognition of any extrinsic jurisdiction, their privileges, which are absolutely essential to the performance of its proper functions, and even to its existence as an independent branch of the legislature. He was aware of the precedent for pleading furnished by the case of *Bardett v. Abbott*; but as the result of the proceedings in that case was a distinct confirmation, by the highest judicial authority, of the exclusive right of the House of Commons to judge and decide in matters of privilege, he had hoped that that precedent rather supplied a reason for the assumption by the House of Commons of the jurisdiction which it admitted to exist, than a rule for the repetition of the course which was then followed. These objections were made by him at the commencement of his speech, and he found that at the conclusion of it he made the following remarks:—"By the course recommended by the Attorney-general, that they, by the instruction to their officers to plead, virtually submitted a decision on their privileges to a court, the head of which had already given an adverse decision with regard to them. If that decision be confirmed, their next step would be an appeal to the House of Lords; and thus the transfer to a co-ordinate branch of the legislature, of that exclusive jurisdiction to which they laid claim for themselves in matters of privilege. He had every confidence that justice would be done according to the law and constitution of the country; but believing that the privilege of free publication was essential to the proper discharge of their functions, he could not, without anxiety, see it made the subject of litigation." Several gentlemen expressed their opinions on this subject, and there was a considerable difference of opinion as to the course which it was most advisable to pursue. Among others, the noble lord (John Russell), after stating that he agreed in most of the arguments advanced by him, stated that "he did not agree with him in thinking, that they should not allow the parties to plead; he added, that he did not think that, by so doing, the House would thereby be surrendering the power and authority which, in the second resolution, it claimed the right to exert." On that occasion, he was supported in the view that he had taken by several hon. members, and, amongst others, by a high authority. He alluded to the hon. gentleman who spoke last, who had now charged him with inconsistency, and with not having pointed out the results that were likely to follow the course they were then about to take. He had not only done so, but it was also clear that the hon. gentleman himself had seen before him all that was likely to follow, for he thus concluded his speech, in such peculiar language and phraseology, as he did not attempt to rival him in. The hon. member then said, "the truth was, that this was an attempt to drag them through the mud in a very unpleasant manner." Here then it appeared, that the hon. member having been dragged through the mud, now came forward, and shook his muddy locks at him, and asked, "Why did you not tell us of the probable result, as you state that you anticipated what would follow, if the steps were taken that had been pursued?" Again, the hon. and learned member for Newark, who had drawn up an able report on this subject, and who had been a most consistent supporter of the view that he had taken of the subject, said:—"To revert, however, to the question, what would be the position of the House if the plea were overruled. His opinion was, that the House would be placed in a situation of the greatest difficulty. If the Attorney-general appeared in the case, and argued the matter on the part of the House, undoubtedly it would be something like a submission. All the courts were bound to acknowledge the privileges of that House; but if the case were argued before the Court of Queen's Bench, the court might determine against the House. He would recommend the attorney-general, therefore, not to argue the question, but to submit it to the court, and ask for judgment. If the court pronounced judgment against the resolution, then this House should take up its proper ground, and honourable

members who would not stand boldly forward in defence of their privileges, could not stand up for any other. Honourable members should be enabled to leave to their successors the privileges which they themselves had a right to enjoy." He thought that it would have been infinitely better, if they had acted on their resolution, and committed the first person who had infringed the privilege of that House. Another course that they could have pursued was that defended by his hon. friend the member for Oxford, and other hon. gentlemen. The third course was that recommended by the hon. and learned the Attorney-general, and which had been followed. They did plead, or allowed their officer to plead, and all the points of that plea had been overruled by the court, and the decision had been against them. And what would be the state of public opinion on the subject? The public opinion would be, that they had asked the Court of Queen's Bench to give its decision on this question, involving these privileges:—that the House would have availed itself of that decision, if it had been favourable to its views; but now that it was against them, if they took the course that was recommended by the right hon. and learned gentleman, it would be said, that having submitted your case to the court, you would have availed yourself of the judgment, had it been in unison with your opinions, but as it was adverse, you refuse to abide by it. Instead of holding the court and tribunal guilty of contempt that had given this decision, and to which the House had allowed the appeal, it was proposed to proceed against the ministerial officer, who was to be placed in this anomalous situation—that if he levied, in conformity with the decision of the court, that House would commit him for a breach of its privileges; and if he obeyed that House, and did not levy, the Court of Queen's Bench would commit him for disobedience. It would be more consistent with the boldness of proceeding which had been recommended, if they held that the court and tribunal had been guilty of contempt, and to commit them if they persisted, instead of proceeding against the ministerial officer, who was bound to obey the orders and decisions of the court. It was a bad and dangerous example to set, to direct the ministerial officer not to obey the law of the land. What was the course that the House had pursued? It submitted to the tribunal; the House had the power of stopping the proceedings at once, by telling the individual who was plaintiff in the cause, that he had no right to go to any other tribunal than that House, as it was the only judge of matters involving its privileges, and that if he persisted, he would be committed for contempt. The House, however, allowed and instructed its officer to plead, and directed counsel to appear for him before the court. The Attorney-general appeared and argued the case, for three days, in the most able manner. You allowed the court to consider the case, and to believe that you submitted the matter to its decision, and that you was a willing party before it; and, in confirmation of this view of the case, he would ask, how did the Attorney-general conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The hon. and learned gentleman concluded in these words: "My lords, for these reasons, I pray judgment for the defendants." It was proposed, however, that the officer who acted for the sheriff of London should be committed if he levied the execution. Was this the proper step to take after the course the House had allowed to be pursued? As regarded his opinion on the subject-matter under consideration, he had no hesitation in saying, that he believed that its privileges were essential to the usefulness of parliament, and he did not think that they could sit with honour or advantage to the country for a single evening without them. If they might be questioned in the Court of Queen's Bench, there was nothing to prevent their being questioned in every subordinate court of judicature in the empire. If they allowed it to be supposed that any court could determine on what occasions their privileges were justly exercised, they only held their privileges by sufferance, and they had better attempt to suspend the exercise of their privileges than attempt to exercise them at all. He trusted that it would not be supposed that he would hesitate to give his opinion on this subject, or that he was not prepared hereafter to take the necessary steps for vindicating the privileges of that House; but he would not mix up that question with another, totally separate and distinct, and encumber it with an act of injustice to an individual. They should also consider whether they presented the best ground in thus refusing their submission to the decision of a court of law, to which they had apparently presented their case for decision. The report stated that it was the duty

of the committee to submit a practical question to the House, of which the decision could not be postponed, and that they had not yet prepared a full and complete report on the subject. It would be some time before this report was ready, but what was the situation in which the House had placed itself? He believed, that out of the House, nine men out of ten were under the impression that the House of Commons had opened a shop for the sale of parliamentary papers, and that this proceeding arose out of that circumstance. It might appear to be equally open to objection in public opinion, to give permission to open a place for the sale of those papers, as having directly done so themselves. Whether this had misled the public mind or not, he would not say. The question, however, was—whether, in the present imperfect state of information, and notwithstanding the feeling which he thought prevailed on the subject, it would be wise and expedient for them to direct the sheriff not to enforce his writ and execution in this case. If the House determined on resistance—if it determined that the process of the court should not be executed—if they pursued this course, did they not decide practically on all the points of the case, and even on those on which the public mind was not prepared for such a decision? If a similar case occurred to-morrow, he would recommend that the House should deal with it without hesitation, and determine that, as a case involving its privileges, it should not be submitted to a court of judicature. In such a case, there would be a proper exercise of the authority of the House of Commons when it committed for contempt. Such an opinion was laid down by Mr. Justice Littledale in his judgment, and it strongly confirmed the view which he originally took of the subject—namely, that if they did not resist the proceedings in the first instance, they would find great difficulty in doing so after they had allowed their officer to plead to the action. The learned judge says, “There is no doubt about the right, as exercised by the two Houses of Parliament, with regard to contempt or insult offered to the House, either within or without their walls; there is no doubt, either, as to the freedom of their members from arrest, nor of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the members of the constitutional body, and as to every other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge.”

He would, therefore, say, do not disregard public opinion on this or other similar constitutional subjects, but take care that, in your proceeding, you have that most powerful sanction. The hon. gentleman who moved the amendment said, that he was satisfied that any person who was at all acquainted with the subject, and that all classes of society, would coincide with them in an attempt to vindicate and maintain the privileges of that House. He did not think that the proceeding which the hon. gentleman had proposed was the right mode to be adopted. It was, however, of immense importance, that any erroneous impression that had been produced on the public mind should be removed, and that it might be shown that the maintenance of the right was essential for the public welfare. He should be sorry if they persisted in calling the sheriff of London before them, and committing him, as they would be bound to do; for they might depend upon it, that, next week, they would have to call the judges of the Queen's Bench to their bar. He would, however, proceed with the opinion of Mr. Justice Littledale:—“In the case of commitments for contempt, there is no doubt but the House is the sole judge whether it is a contempt or not, and the courts of common law will not enquire into it. The greater part of these decisions and dicta, where the judges have said, that the Houses of Parliament are the sole judges of their own privileges, have been when the question has arisen upon commitments for contempt, and as to which, as I have before remarked, no doubt can be entertained. But not only the two Houses of Parliament, but every court in Westminster Hall, are themselves the sole judges whether it be a contempt or not; although, in cases where the court did not profess to commit for a contempt, but for some matter which, by no reasonable intendment, could be considered as a contempt of the court committing, but a ground of commitment palpably and evidently unjust, and contrary to law and natural justice. Lord Ellenborough says, that in case of such a commitment, if it should ever occur (but which he says he could not possibly anticipate as one likely to occur), the court must look at it and act upon it as justice may require, from whatever court it may profess to have proceeded.”

Was this opinion shared by the other judges? The House might, he thought, reasonably rely on this being the case. He should, therefore, prefer fighting the battle as an original question of contempt; and if, for the future, any proceedings were taken in consequence of any publication, that they should not allow their officer to plead. On these grounds he cordially concurred in the motion which had been proposed by the noble lord. He could not agree in advising them to commit the sheriff—he could not advise any further application to the court—he could not advise an appeal to the Exchequer Chamber, or to the other House—he thought, that the better course would be, as they had gone so far, was to acknowledge the proceedings that had occurred, and allow, in this instance, their officer to submit to the sentence. He could not go further until he saw clearly the steps that it would be necessary to take. He knew that a number of actions stood at their door for the proceedings that it was essential for them to take; but he thought that they could rely for the future on their resolutions, and on the *dicta* of the judges, as to the jurisdiction of the House. This was the course open to them, and was the best, in his opinion, that could be pursued. The noble lord said, that he should propose that the House should pledge itself to the consideration of the subject at the earliest period, and to take such steps as to prevent a recurrence of a similar proceeding to the present. In the balance, therefore, of inconveniency, and looking to the apparent submission of the court, he thought that it would be wiser to submit to the court in this instance, and to take steps to prevent, for the future, any matter of the kind coming under the decision of the Court of Queen's Bench, or any other court. They should also take care to show to the country, that the maintenance of their privileges was absolutely essential to their existence, and to the discharge of their functions as the representatives of the Commons of England. With these feelings he would only add, that it would be absolutely necessary, within a very few weeks, to determine how they should proceed, and what steps it was expedient to take.

The first resolution was agreed to by a majority of 18, and the second by a majority of 97.

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## EDUCATION.

JUNE 20, 1839.

The order of the day for the resumption of the adjourned debate on National Education having been read,—

SIR ROBERT PEEL said, I shall not be sorry to escape from the discussion of some topics which have been adverted to in the course of the present debate, not because I undervalue their importance, but because I consider them much too important for discussion in a popular assembly. Neither will I undertake to defend every opinion which has been advanced in the course of the debate. I mean, (said the right hon. baronet,) that I shall confine myself to the consideration of the practical merits of the proposal on which we have to decide, rather than to the consideration of the speculative opinions which may have been advanced by the hon. member for Newark, or others. If I did enter, at this time of night, into the discussion of such speculative opinions, involving so many various considerations, do I not know I should be imitating the example of hon. gentlemen opposite, and diverting the House from that which is the practical question now under debate; namely, whether or not it would not, on the whole, be best, that the noble lord's motion be acceded to, and the Crown addressed to rescind the order in council, by which the committee of education had been appointed? That is the practical question to be decided this night, and I give my hearty concurrence to the motion of my noble friend, and will not follow her Majesty's government, and other gentlemen on the ministerial side of the House, who have been anxious to shrink from the consideration of the merits of the proposed plan. I object to the scheme of the government on three or four distinct grounds. In the first place, I object to the course adopted of calling on the House to decide so important a question as this, laying the foundation of a system of national education, by a single vote. The right hon. gentleman opposite has quoted some former votes, by which sums of money were placed under the control



of the government, without asking for the opinion of the House of Commons. Does it follow, then, that because the House, upon contested points, has adopted such a course, that it must now decide the whole question of national education for England by a single resolution? If this does follow, then I advise the House to beware of the next concession it makes—for, if slight analogies are to be hunted out for the purpose of calling on the House, in consistency, to adopt a principle supposed to be similar to that which the House had before adopted, the concession it might now make will, at a future time, be appealed to, for the purpose of justifying still greater concessions; and the House, if it makes any objection, will then be told, that it came too late, for on this very night it ought to have been urged. The noble lord says, that the scheme for the inspection of schools was only under consideration, and asked whether we object to the distribution of the money by what was called the committee of privy council? What was the original proposition of the noble lord? That five of her Majesty's servants should form a committee for the consideration of all matters affecting the education of the people. What, if I had proposed such a scheme in 1835, what would the dissenting bodies of this country have said to it? Do you not think it would have provoked their apprehension and alarm? Would you not have called upon me to respect the feelings of the Dissenters? Would you not have said, that their alarm was justifiable? Well, then, if the members of the establishment feel similar alarm at the proposal now made; if they think that it was not fitting that a committee of the privy council, excluding every member connected with the Church, should be formed, and that it is in principle open to objection, then I say, that the question assumed a new character, and that it was not proper to decide upon it absolutely by a single vote taken in one night with a narrow majority. According to the reference to former concessions, her Majesty's government are, by this measure, laying the foundation of an extensive scheme of national education. The next step they take may be at a great interval from the present. But if her Majesty's ministers can now appeal to the vote for Irish education, or to the speech of my noble friend (Lord Stanley), with respect to admission of Dissenters to the Universities, in justification of their present proceedings, and if they feel warranted in calling upon the House to assent to this scheme in consequence of the concessions already made, I can well foresee that, three years hence, they may be able to say, that the scheme now proposed and assented to, was only laying a foundation for a general scheme of education, and that those who permitted that foundation to be laid, had no right to object to any extension of it. I object to this committee of privy council, which is to superintend all matters affecting the education of the people, being exclusively composed of members of the executive government. It is not a committee of the privy council, as my noble friend has called it; it is a committee of the executive government of the country, and that executive government had other duties to perform, and other interests to consult. That executive government may feel it to be its bounden duty to make great concessions for the purpose of retaining their offices. I will give them the benefit of supposing that they may think it necessary to continue in office, not from any unworthy or interested motives. They may feel it a paramount duty to remain in office in order to support the prerogatives of the Crown. Their motives may be pure and honourable. But it is not proposed to constitute a board independent of party or of political considerations. The board is constituted exclusively of members of the government, and how do I know that, in order to rescue themselves from the danger of dismissal by this House, they may not, for the sake of so important a public object, make great concessions on the subject of education? They may consider education a subordinate object to that of keeping themselves in office, and keeping out opponents, whose recession to power they may consider dangerous. [Hear, hear.] What guarantee have we that this would not be the case? The very essence of our duties was jealousy of the executive, and we have a full right to consider to what abuses the present proposition may lead? What have we seen happen within the last fortnight? Allowing the motives of ministers to be perfectly pure, have we not seen them resume office, after declaring they had lost the confidence of the House? They justified themselves by pleading the necessity of the case; and may not the same necessity call on them to make concessions on the subject of education? Take the case of the ballot. Last year it was not an open question. This year it was an open question.

Now, why? Not from your abstract conviction as to the merits of the question, but because the concession is essential to your views, with respect to those large and comprehensive interests of the country, which are involved in your maintenance of power. Is, then, the government a body which ought to furnish grants relating to all matters which affect education? An hon. member opposite has bid the government be of good cheer; he has encouragingly told them not to be alarmed, "for," said he, "you have done more to recommend yourselves to the liberal representatives and the liberal constituencies of this country by this plan, than by any other measure which you have brought forward." Is it so? But may not the execution of the measure be as necessary as its proposal? I do not know whether the very same members of the executive government who form the Education Board may not also form a committee to whose efforts may be intrusted the securing of a liberal majority in case of a dissolution of parliament. Supposing, then, it should be suggested by one of the members of this committee, that a concession made by the government on the subject of education to a particular part of the country, would be attended with an advantageous result in case of an election; is it wise to expose yourselves to that temptation? And would it not be wise to have some persons intrusted with the superintendence of education, whose continuance in office would not depend upon a narrow majority in the House of Commons? Remember, however,—and let the Dissenters remember—that if the principle be good for this government, it is good for their successors. If a change of government should unfortunately take place, you have established the principle, that the next government, whatever it may be, will be the body deputed by yourselves to manage the general education of the country. They will introduce their views, also, with respect to the superintendence of education. Suppose, then, that their views should be, that it is not wise that a system of education, so far as the Establishment is concerned, should be carried on, without the supervision of the chief ecclesiastical authorities belonging to the Establishment. Suppose that they should make the Bishop of London, and the Archbishop of Canterbury, both, be it recollected, members of the privy council, members of the committee of the privy council, what objection could you urge against it? I do not know what objections the dissenting body might entertain to such appointments; I am not prepared to say how far the force of newly-formed habits may influence their conduct; but this I will venture to say, that if Lord Liverpool, fifteen years ago, or if I myself, five years since, had proposed that the government should be the body to whom such a power should be granted, and that, by three words, three important words, thirty thousand pounds, which were to be placed without condition or restriction at the control of the executive government—if this had been attempted, then, I say, that whatever may be the number of petitions which have been presented against the plan of the government, the petitions of the Dissenters against such a scheme would have been at least equal to them. You say, that you are responsible to parliament. Responsible to parliament!—Why, how is responsibility to parliament insured, if the measures by which education is to be carried on are to be prepared and executed without the consent of parliament? You constitute yourselves a committee to superintend the education of the people of this country, in consequence of a solitary vote of the House of Commons. This board is constituted of persons upheld by a parliamentary majority of ten votes. Another may succeed it, supported by a majority of twenty-one votes, a majority, too, which this year granting £30,000, may next year grant £80,000 for the education of the people. I say, then, that this is an objection which I feel to the government plan, and that it is an objection which ought to be felt, not only by the Dissenters, but by the Church of England. The right hon. gentleman, the Chancellor of the Exchequer, is fond of quoting opinions, backed always by high authority, but he does not tell us the names of the individuals from whom they proceed, till he imagines we are all ready to assent to the propositions laid down. Now I will imitate him. I will read opinions given by two grave authorities; I will conceal their names; I will not tell you whether they come from high ecclesiastical authority, or whether they were pronounced by persons holding strong conservative opinions. You shall have the opinions themselves. The noble lord took a different course from the right hon. gentleman; he quoted Paley and Fenelon, and told us so, but I shall follow the example set by the Chancellor of the Exchequer. These opinions were not delivered at a very remote period. I am con-

stantly told that I am behind the spirit of the age, and I suppose that the charge is true; for I find that if I take up the position which her Majesty's government took up last year, and hope for some expression of gratitude from them for adopting their sentiments, I find myself, I say, exposed to a raking fire from them, and attacked on all sides for my illiberality. The first I will read is this:—"With this difference of opinion on the subject, he confessed he did not see, until there was more likelihood of agreement among the leading persons who were in favour of the general education in this country, that it would be a good plan to establish a general commission or board by the government, because, whatever board might be constituted would create a jealousy on the part of all those who were opposed to them." The other opinion I shall read, is this: "That the interference of government, by appointing a commission or board of education in the present state of the question, would create great jealousy among all parties, and would be injurious to the purpose of education itself. He therefore hoped the motion of his hon. friend would not be persisted in." These opinions were expressed by the noble lord, the secretary for the Home department, and by the right hon. gentleman, the Chancellor of the Exchequer. They were delivered last year, upon the subject of appointing a board or commission of education. Is not this a board of education, which you are about to appoint, and can you resist voting for the motion? I see the noble lord opposite making great protestations against this proposition, but what it is founded on I cannot guess. You objected to the appointment of an education board, on account of the then excited state of the public mind. Oh! I see the difference. The public mind is now so calm. No jealousy is now felt on the subject of education, and the suspicions and apprehensions which were formerly excited, have since been entirely soothed by the particular plan which her Majesty's government have proposed. I object to the plan on another and a distinct ground. Now, observe, I do not maintain this position, that the Church has any right to interfere with the religious instruction of all the children educated in these schools, and I never understood my noble friend to say so. I understood my noble friend to say, that in the case of the established religion, education was intimately connected with it, and he referred to the authorities, that of Lord Holt having been quoted among the feudal authorities, not to show what it was contended he wanted to show, that the Church had a right to exercise control over Dissenters, but that it was entitled to have some share in the national plan, in so far as the education of members of the national church was concerned; and this suggestion on the part of my noble friend, hon. gentlemen opposite have found it more convenient to misrepresent than to answer. I disclaim, therefore, any intention to demand for the Church Establishment the right to interfere with the religion or the other institutions of those who are dissenters from its doctrines. This, however, I claim for the establishment, that no system of national education shall be founded, which studiously excludes from the superintendence and control of education, given to the children of the establishment, the dignitaries of the Established Church; and if such a proposition be disagreeable to the feelings of the members of the establishment, I say that it is a violation of those feelings to ask them to contribute to a scheme of education, conducted under the superintendence of a board from which those dignitaries are to be excluded. Will the noble lord tell me what is his definition of an establishment? The noble lord had quoted Paley. Did the noble lord mean to say that he agreed with Paley? For my own part, with respect to members of the Established Church, I beg to say, that in any system of education to be adopted, if you mean to uphold the principles of the establishment, you ought not to exclude from the control of the system of education those who were of the greatest importance. If the object of a church establishment be the instillation and communication of religious knowledge, do you think it wise to establish this principle, that the education of children of tender years should be separated altogether from doctrinal instruction in religion? On what ground will you exclude members of the establishment from constituting a part of the board, so far as the instruction of children is concerned? Do you think that it was proper to hold out to the rising generation, that in their education all religious instruction should be excluded? and do you hope to fit them to become good members of the establishment, if in the system of education for them the doctrinal part of religion shall form no part? This is a most grave question, whether it be considered as producing harmony or

not, in relation to giving the people a system of joint education upon the principle of the noble lord. Some time ago, I certainly did foresee that great advantages might arise in Ireland, under the peculiar circumstances of the people there; that there was some chance of soothing the excitement which prevailed, by making some concession on this point. But when the system of education was adopted for Ireland, every effort was made to avoid that circumstance being made a precedent; it was particularly explained, that the proposition which was made was only acceded to under the peculiar circumstances of the case, and the concession was only made because it was considered that it would contribute to the welfare of the people in their after life. I confess, however, that subsequent reflection has led me to entertain at least great doubts on this point. So far as the institutions of the establishment are concerned, I have come to this opinion, that it is infinitely better that they should be doctrinal institutions; and I think, that the House should not shrink from its duty in educating the people in the principles which they themselves support, whereby they are much more likely to make them good members of the church and of society, than if they brought them up shrinking from the maintenance of those doctrines which they would be afterwards told they must support. I very much doubt whether we shall promote future harmony by giving them together secular instruction, and then handing them over to their separate religious teachers, who will convey information to them upon the particular creeds which they support on particular days. If I were a member of a different establishment, I should prefer giving a child of mine general instruction only, telling him, at the same time, that religion should form the basis of his education, and should be closely interwoven with it, to consenting to exclude the principles of religious instruction from the daily course of his education in the school in which he should be brought up. But with respect to the Established Church, I hope, that rather than consent to any plan from which ecclesiastical authority is excluded, it would separate itself altogether from the State on this point; that it would take the education of the people into its own hands—that it would not shrink from insisting on the publication of its own peculiar doctrines, but that it would demand that the highest respect should be entertained for its power, by its being inculcated in the minds of children that religion formed the basis of all education. I very much doubt whether the principles of the Christian faith being thus inculcated among children, as good a chance of harmony would not be secured, as by telling them that religion was an open question, and that each of them was to be instructed by a minister of his own creed, on a certain day set apart for that purpose. Ample reference has been made to the state of religious instruction in the United States. Hon. gentlemen, who had very extensive information in reference to Prussia and the United States, had spoken upon the subject, and had more particularly quoted the cases of New York and Massachusetts. As in Prussia, the principle had been abandoned; for the hon. and learned gentleman had distinctly declared, that the Prussian government had abandoned the attempt of uniting children in a system of secular instruction only, and of giving them separate religious instruction upon such creeds as they might be disposed to follow. I have attempted, from that interest which is necessarily taken upon this subject, to gain some information with respect to the success of the plan adopted in America, and it appears to me that this was very like the plan suggested by the noble lord. A general religious instruction,—that was to say, that the children should be instructed in the general interests of Christianity, and that on certain days they should be instructed in their particular creeds. I hold in my hand the second annual report of the Massachusetts board of education, published at Boston, and bearing date the 14th January, 1839. It sets forth the principle which is embodied in the legislation of the Commonwealth on the subject of school-books, and which provides, that “school committees shall never direct to be purchased or used, in any of the town schools, any books which are calculated to favour the tenets of any particular sect of Christians;” and in another place, “the principles of Christian ethics and piety, common to the different sects of Christians, will be carefully inculcated, and a portion of Scripture will be daily read in all the normal schools established by the board.” Now, this is your plan. How does it work there? What says the secretary in his very able report? It is impossible that any man can be more desirous of its success. Yet here is his testimony of the result. He says—“In my report of last year I ex-

posed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency, in regard to religious instruction, could only be explained, by supposing that school committees, whose duty it is to prescribe school-books, had not found any books at once expository of the doctrines of revealed religion, and also free from such advocacy of the 'tenets' of particular sects of Christians, as brought them, in their opinion, within the scope of the legal prohibition. And hence they felt obliged to exclude books, which, but for their denominational views, they would have been glad to introduce." I beg to know how the noble lord could evade this in his plan? It would not exclude the existence of scruples among any denomination of religious Dissenters. It would not heal the differences of opinion entertained by the ministers of religion, according to their several and peculiar professions. The report further says:—"Of course I shall not be here understood as referring to the Scriptures, as it is well known that they are used in almost all the schools, either as a devotional, or as a reading book." Now, I beg the noble lord to consider whether this system, which has so operated in America, is not founded upon precisely the same principle as that upon which the plan of her Majesty's government was framed. It is a system, not excluding the Scriptures—allowing the Scriptures to be read, but not allowing them to be taught upon the principles of any church—permitting them to be used for the purposes of instruction, but leaving it to the ministers of the various religious denominations, to teach the children in accordance with their particular religious views. What says the secretary, to whose report I have already referred, as to the working of that system? Why, he said, that there is "an alarming deficiency of moral and religious instruction." That is just the result which I anticipate from the system suggested by her Majesty's government, as applied to the habits and modes of thought of the English people. "If you were to adopt such a system, not making education in the principles of faith the basis of instruction in this country, you will find it extremely difficult to establish that sound, moral, and religious knowledge, which can only be founded upon our conviction in early years, that religion is the first object of instruction." That is the second ground upon which I object to the plan proposed by her Majesty's government, namely, that as far as the children of the establishment are concerned, I think it wholly unwise to exclude the direct superintendence and authority of ecclesiastical authorities. I think that those authorities ought to be brought forward distinctly, for the purpose of superintending a plan of education in the principles of the establishment. I object also to the plan of her Majesty's ministers upon the very grounds upon which it has been supported by some of its advocates, which, as my right hon. friend has justly observed in the course of the debate, are grounds directly inconsistent with the maintenance of a religious establishment. No answer has been given to that argument. If you are under an obligation, as you say you are, to teach the children of those who dissent upon the grounds which you allege, namely, that you fight with Roman Catholic sinews, and support your system with Unitarian gold—if that be the ground upon which you are bound to educate the children of Dissenters, in the first place let me ask, why you shrink from educating them in the tenets of their particular faith? If that be your ground—that you take their gold and make use of their strength—how do you answer this question? Why are you not bound to provide them the means of religious worship in accordance with their several creeds? Where do you propose to draw the line? You profess to draw a line, but do not tell us where it is to commence. All your supporters, indeed, do not draw a line. The hon. and learned gentleman opposite, and I must say I think he is the only one who foresees or avows the consequences to which the government plan may lead, is prepared manfully to contend for them, as consequences which it is desirable to obtain. The hon. and learned gentleman, if I understood him, maintains this proposition, that if you call upon the Jew to contribute to the exigencies of the State, the Jew has a right to call upon you for the maintenance of his religion.—[An hon. member: But not to education in his religion.] Not to education in his religion! How do you draw the distinction? If you call upon the Jew to contribute to the education of the children of the establishment, why may you not call upon the members of the church to contribute to the education of the Jew? You say, that you do not decide against him—that you do not object to his religion; and I understood the hon. and learned gentleman distinctly to say, that he foresaw the conse-

quences to which the ministerial plan would lead—namely, that as all would contribute to the support of it, so all would have a right to call upon the State, not only for the tolerance of their religion, but for contributions to maintain it. The third question I have to put to the government is this—Do you believe, that any good will arise from the establishment of such a system as you propose? If you tell us that it is necessary, that a board should be formed which should have the public confidence, why did you not describe it in such intelligent and distinct terms, as to prevent the misunderstanding and the alarm, I think the perfectly justifiable alarm, which has sprung up in every part of the country in reference to your proposition? If you have so imperfectly described your views with respect to the construction of the Board of Education, that throughout the country you have awakened an almost universal apprehension in the minds of the religious public, do you believe, that any system of instruction, superintended by such a board, would be likely to have the confidence of the great body of the people? Was there ever a scheme of education propounded in this country which met with such universal opposition? What answer do you give to the quotations which, in the course of this debate, have been made from the views of the Dissenters with respect to your plan? [Mr. Hawes: I have presented a petition in favour of the plan from the Protestant Dissenters.] The hon. gentleman says he has presented a petition from the particular body to which I refer; and, if so, I have no doubt that it was in accordance with the opinions expressed in their resolutions, advertised, I believe, on the 15th June; and, in referring to them in his speech that evening, the hon. member for Lambeth had described them as the greatest friends of civil and religious liberty, although not of the three exclusive denominations; he spoke of them as a most influential body of Protestant Dissenters; and what do they recommend to the government? Why, Sir, they advise the government, as a general rule, to apply any further parliamentary grant in the same manner as those that have been previously made. That is, in the support of the National School Society, and the British and Foreign School Society? They do not wish you to relax from the rule you have yourselves abused, but to extend it still further. But, Sir, there is another means of testing the opinions of the country on this question, and particularly so those of the various denominations of Protestant Dissenters—by the expression of their disapprobation or favourable consideration of the plan by petitions. What number has been received against the scheme? The hon. gentleman opposite stated, that 1,650 petitions had been presented in opposition to the government plan; but this included them only up to a certain period. And here, Sir, I may say, that from those who are usually foremost in this House to claim attention to the expression of popular opinion, there has been a great inclination to treat the petitions against the scheme with disrespect. But, if any petitions have been alluded to on the other side which were of a favourable nature, the same influence has been exercised to enhance their importance, and claim for them the especial respect of the House. But, Sir, the number mentioned by the hon. member presented against the government scheme, the number of 1,650, form but little better than one-half of the total received up to the present moment. Sir, I assume the real number at not less than 3,050. Do you think it likely, that 3,050 petitions would be produced, by the mere exaggeration of religious feeling? It would be most absurd to suppose it even. But as the hon. gentleman opposite has referred to other petitions, let me now ask what is the number of the counter-petitions received—of those favourable to the government scheme? Sir, against the scheme there have been 3,050 petitions presented; in favour of it we must deduct 3,000, rather than pretend to the semblance of equality, and declare the net number at 50. You told us last year (addressing Lord J. Russell), that you could not see how such a plan could be a good one, or how the constitution of such a board of education could do otherwise than lead to great jealousy and dissatisfaction. I have respect for your character as prophet—but, having had your worst apprehensions confirmed, I should have been glad to have seen that you had the manliness to admit it. I beg to ask what possible inducement, other than religious motives and conscientious objections to the plan, could lead the Wesleyans to resist it? The Wesleyans say, that if their conscientious objections could be removed, they have a greater chance of benefiting by your plan, than if a return were made to the principle of last year, under which they were excluded al-

together. The Wesleyans could receive nothing from the British and Foreign Society, they could receive nothing from the National Society. A plan for a grant has been proposed, in which the Wesleyan Methodists may participate; yet they choose this very time to come forward and renew their opposition to it. The Wesleyan Methodists have been treated like children. When they came forward in support of the anti-slavery question, and so strongly advocated the abolition of the Slave-trade, then credit was given them for the highest discretion and for the purest motives; but now that they come forward to oppose the government scheme of education, although it is impossible that they can be influenced by any but the purest motives, they are designated as the victims of credulity and misapprehension, and their zeal is attributed to any motives rather than those by which I conscientiously believe they are actuated. It is clear you cannot pretend that your plan is approved of; and, I ask you, why you do not withdraw it, and return to the system you adopted last year—the system first recommended by Lord Althorp? Why, I ask, should you discourage local contributions? Why should you, in this case, forsake the application of your own voluntary principle? Why should you deny the prayer of the 3,050 petitions? In short, what better can you do than rescind the order in council, and return to the rule you have already acted upon? Don't believe, however, that your measure will give universal satisfaction. I will again refer to the report of the United States of America, which is an excellent authority, to show how such a system will be likely to work in England. The right hon. baronet read the following passage:—

“It seems that one William G. Griffin, with others, felt aggrieved at the practice which obtains, in some common schools, of ‘praying, singing, reading the Bible, and other religious exercises;’ and therefore ‘prayed the legislature to enact a law prohibiting the practice, in such schools, academies, and seminaries of education, as receive aid from the public treasury.’ In recommending that the prayer of the memorialists be not granted, the committee go into a discussion of the subject, which is remarkable for its clearness, candour, and cogency of reasoning, and such as must more than satisfy, we should suppose, every reasonable mind.

“The public schools established by law are supported by a state fund, and by taxation upon the property of the people. These schools are open to all, although none are obliged to send their children to them. But, says the report—

“It is to these schools, as we are to suppose, that the children of the petitioners are accustomed to resort, and in some cases it is fair to presume that it is found exceedingly inconvenient, perhaps impossible, for these parents to furnish their children with the means of instruction any where else. They are, therefore, obliged to resort to these schools, or take the alternative of keeping their children in utter ignorance; and it is under these circumstances that they come before the legislature with the complaint, that, on resorting to these schools, they find there a practice introduced—that of indulging in devotional exercises—which they deem highly offensive and objectionable. The grounds of objection to this practice, as far as we can gather them from the memorial, are two:—

“1. That the Christian religion is thus supported or aided at the public expense.  
 “2. That the rights of equality and rights of conscience are thereby invaded, inasmuch as the unguarded minds of their children are thus exposed to be contaminated.”

Such being the operation of the system in America, let not her Majesty's ministers flatter themselves that they can give universal satisfaction. Unless in your scheme you limit religious education to the mere reading of the Bible, and exclude every thing bearing upon the doctrinal altogether, you cannot otherwise respect the religious scruples of others; and I can see no means of escape from the dangers and difficulties by which the question is in every position beset, but by her Majesty's government consenting to rescind the order in council. Sir, I object to the plan of the noble lord on these distinct grounds. First, that if it were the feeling that such a Board of Education should be appointed—and the reverse is the case—it should not be appointed in the manner proposed, by a single vote of this House. My next objection is, that any such Board of Education should be so constituted as to be exclusively formed of her Majesty's ministers. Thirdly, I object, in reference especially to the children of members of the Established Church, that there should

be an entire exclusion of the ecclesiastical authorities, who are properly placed in charge of the religious education of the community; and lastly, because there has been presented against the scheme, petitions, unequal in number, in purity, and for the disinterestedness of the views of those who present them; and because a temporary success, if the scheme were carried by a small and scanty majority, so far from advancing the cause of sound religious instruction, soothing animosities, and allaying discord, would be but the commencement of a new religious struggle of the very worst nature, and in the very worst arena in which, in this country, such a struggle can be carried on.

The House divided on the original question, that the Order of the Day for a committee of supply be read:—Ayes, 280; Noes, 275: Majority, 5. Committee of Supply postponed.

## GOVERNMENT OF LOWER CANADA.

JULY 11, 1839.

Lord John Russell having moved the Order of the Day for going into committee on this bill,—Sir William Molesworth moved as an amendment, “That it is the opinion of this House, that every consideration of humanity, justice, and policy, demands that parliament should seriously apply itself, without delay, to legislating for the permanent government of her Majesty’s provinces of Upper and Lower Canada.”

SIR ROBERT PEELE should first address himself to the resolution which had been moved by the hon. baronet, as an amendment to the House going into committee on the Canada bill. The principle of that resolution was to declare, on the part of the House, that considerations of humanity, justice, and sound policy, demanded that parliament should apply itself to legislate for the permanent government of the provinces. He (Sir R. Peel) must, in the first place, observe, that he held himself entirely free from any responsibility whatever as to delay; that whatever responsibility the hon. baronet might impute to him in future proceedings, he felt himself absolutely free from any responsibility as to the past. At an early period of the present session, he had asked the noble lord whether he intended to proceed to legislate practically for the government of Canada this session, and the noble lord answered that such was his intention. A few weeks after this, he again put the same question to the noble lord, further asking him, whether before Easter the House would have an opportunity of seeing the legislative measure by which it was proposed to provide for the future government of Canada, and he received an assurance that it was intended to submit such a measure before Easter. He had at the same time intimated his strong opinion, that unless the proposed measure was in the hands of the House before Easter, the opportunity of legislating on the subject this session would be altogether lost, and the session would pass over without any thing whatever having been done. He had no hesitation in stating, that could he have foreseen that the intention of legislating for Canada would have been abandoned, he would himself have submitted to the House some proposition, in order to bring this question to some practical issue. It was not, however, till a very advanced period of the session, that he understood from the government that they had abandoned all hopes of legislating on this subject. The hon. baronet asked him (Sir Robert Peel) to discard all party considerations, and to consult only the interests of the provinces. This was what he had always proposed to do; but he doubted whether, if he were to concur in this resolution at this season of the year, he should not be considered as abandoning this principle of conduct. The resolution of the hon. baronet meant, that the House should in the present session apply itself to legislation on the subject: the words of the resolution were “without delay.” But if we were prepared on the 11th July to legislate for Canada in the present session, why go through the form of this preliminary resolution? Why not proceed at once to the consideration of some practical measure? If the resolution merely went to pledge the House to proceed with this subject in a future session, it seemed to him superfluous; for he (Sir Robert Peel) was distinctly of opinion, that the



House would altogether neglect its duty if it permitted the beginning of the very next session to pass over without taking some decided steps for settling this question. The hon. baronet had offered no explanation of what he proposed to do. In asking him (Sir Robert Peel) to pledge himself to co-operate with him in legislating for the permanent government of Canada, the hon. baronet had, in the course of his speech, given him very little practical assistance towards the forming a judgment upon the point. The hon. baronet had laid down no practical principles, had stated no conditions on which union was to be effected. He (Sir Robert Peel) considered it essential, that a full statement should be made from the opposite side of the House of what they proposed to do for the settlement of this question. If it was seriously contemplated to adopt a union of the provinces, let them have the measure with full and distinct explanations of all the details, and also with some assurance that it would be satisfactory to the people of the Canadas. If her Majesty's government declined the duty of legislating on the subject, no one else could at present take it up. No one not having access to official sources could acquire the requisite information. What means had he (Sir R. Peel) of ascertaining how for the present circumstances and feelings of the Canadians were favourable to this measure? He wished, indeed, that the advice he gave three years ago on this subject had been taken—to go into a committee of the whole House, for the purpose of inquiring and ascertaining what were the wishes and sentiments of the people of Canada with respect to a union of the provinces. Unless her Majesty's government gave the House the means of judging of this question, by making those inquiries which were necessary—unless they, on their own responsibility, placed upon the table a plan with details matured and considered, there could be no reasonable hope of effecting any thing during the present session. He could not, therefore, concur with the hon. baronet. He repeated, that he thought this the most difficult problem to solve that had ever been submitted to parliament. They had difficulties of a conflicting nature to reconcile. But their first step was to look those difficulties fairly in the face. It was not by vague discussion and talk about the necessity of a settlement or the policy of a union, but by really considering the great questions before them with a view to an immediate measure. He agreed in the principle that we ought to maintain the Canadas. He thought that if Canada were adverse to the connection with this country, that it would be almost a hopeless task to legislate. But the Canadas had declared their firm allegiance to their present sovereign, and their attachment to the British connection. They had proved, by an exhibition of the greatest courage and fortitude, and by the endurance of the severest suffering and injustice, their determination to maintain that connection. He did not consider, therefore, that it would be compatible with the true interests or the honour of the country, looking at its extensive colonial dependencies, to abandon that connection, even if it could be supposed unfavourable to its pecuniary interests. He believed that the glory and strength of this country would be extinguished, if from any paltry considerations, or from timidity, they should reject the offer of that gallant people, who told us that they were ready to run all hazards to preserve their connection with us, and to maintain the integrity of the empire. At the same time, it was impossible to overlook the tremendous responsibility which rested upon them in legislating for the government of that colony, and in providing that it should be effectual for the maintenance of domestic peace, and for defence against foreign attack. They were bound to provide that the government of that country should be constituted on a principle which would enable them to maintain British supremacy. That government should be further constituted, not with a view to the benefit of the country, but for the advantage of the colonists. Whatever the pecuniary interests of this country might be, he (Sir Robert Peel) thought that the government of the colony should be conducted with a regard to the welfare of, and, as far as possible, in conformity to, the wishes of its inhabitants. That was the only way in which the connection could be secured. But, undoubtedly, there were the greatest difficulties in attempting the formation of any such government. They had, as an hon. member had observed, two peoples, speaking different languages, with different customs and laws, and it was necessary to ascertain what was to be the security under any future government for that party who should be in the minority. Some hon. members in that House, perhaps, might have implicit faith and confidence in the wisdom of a

majority; but he had not, and he thought that, immediately after the forcible suppression of an insurrection, there was still less ground for confidence in the wisdom and moderation of a triumphant party. He was well assured, that it was an absolutely necessary precaution, with a view to rendering Canada a thoroughly British colony—with a view to the introduction of British laws, and to the continued maintenance of British supremacy—that they should take some effectual guarantee that the present majority in one of the provinces, when by a union it should become a minority, should not be exposed to injustice. They were bound, as he said before, to make their legislation such as the Canadians could not complain of. Now, the religion of Lower Canada was the Roman Catholic. All the securities for the maintenance of that establishment must continue. Further, they must be perfectly certain, whatever might be the modification of the elective franchise in which the united government was to be founded, however property and numbers might be blended in the new representation, that effectual securities remained against any such preponderant influence as might counteract the intentions of the British parliament. The government having considered these points, must either propose some scheme of settlement, founded on extensive inquiries, and a knowledge of the feelings and wishes of the inhabitants of the colony, or parliament must, for the present, abandon the task of legislation. The hon. gentlemen opposite seemed to think that the period for a union was already past. The impression on his mind seemed to be, that it would not be safe within any definite period. Upon this point, he (Sir R. Peel) must say, that if he had only the French Canadians themselves to deal with, he very much doubted whether it would not be their interests to continue, for some time to come, under a strong but just and lenient government, such as at present existed. To bring them at once into close connection with a population opposed to them in feelings and prejudices, was a step which he for one did not feel confident would be of much advantage to their interests. But he must consider, on the other hand, the interests of the British population in Lower Canada. They had been faithful to the British Crown, and there was no reason why they should be subjected any longer than was absolutely necessary to a government which was in principle despotic. They had also to consider the necessity of affording to Upper Canada those facilities for carrying on her commerce, of which she had been hitherto deprived. Upper Canada was very fairly entitled to the navigation of the St. Lawrence. These were points which imperatively called for a decision; and he would repeat to the hon. baronet, the member for Leeds, that it was not by vague general assertions of the advantages of a settlement, but by going into those real difficulties, and propounding measures for overcoming them, that any thing practical could be done. He now came to the speech of the right hon. and learned gentleman opposite (Sir C. Grey). The right hon. and learned gentleman undertook to convince him (Sir Robert Peel), that he was entirely wrong in thinking that they had made no advances towards a settlement. But what was the right hon. gentleman's proof? The first advance, in his opinion, was the establishment of a despotism—of a strong and arbitrary government. But how far this helped them to a settlement, he (Sir Robert Peel) must confess he did not think the documentary evidence in existence, even including the fruits of the right hon. gentleman's own labours as a commissioner—was sufficient to enable them to ascertain. In saying that he did not see a prospect of a satisfactory settlement, he was not denying the necessity of the present measure, to which he was giving his support; but he denied that the mere establishment of arbitrary power in Canada was an advance towards a settlement such as would give future satisfaction to the colony. He thought, indeed, that the right hon. and learned gentleman must be himself of this opinion; for the only satisfaction he afforded them was, that, after having been tossed so long by the tempest, they were at length happily settled upon a rock. The utmost consolation which the right hon. and learned gentleman could give was, that they had escaped the perils of shipwreck by being fortunately cast upon a rock in the midst of the ocean—rather a poor comfort to afflicted mariners. But the right hon. and learned gentleman professed to lay down the principles by which parliament should be guided, and then he proceeded with a series of truisms, which were as applicable to any case or country as those which were under consideration. The right hon. and learned gentleman's first principle was, that the governor should observe the laws. Who doubted it? The

governor ought not to outstep the limits of the law. He fully admitted it; but he did not see how it was more applicable to Canada than to any other country, or how it gave the least advance towards a settlement. The right hon. and learned gentleman proceeded to his second maxim, and said it was peculiarly necessary to Canada to make property secure. He did not see that the attachment to property was peculiar to Canada. He did not think that there was any people who did not feel that the first bond of civilized society was the sacredness of property. He did not see the peculiar applicability of this principle to the case under consideration, unless, indeed, the right hon. and learned gentleman intended some covert allusion to the bill before the House, to which it would be, in some degree, pertinent. Perhaps they ought to understand him as saying, not "avoid taking the property of the Canadians," but "take especial care that you do not shake the feelings of the Canadians, either by interfering with the tenures of their property, or by subjecting them to taxation, in the imposition of which they have no voice." If that was what the right hon. and learned gentleman meant to say to them, he (Sir Robert Peel) must say, that he entertained sentiments very much in accordance with those of the right hon. and learned gentleman. Another suggestion of the right hon. and learned gentleman was the establishment of municipal institutions. Admitting the practical benefits which such a measure was calculated to produce, he did not see how it was likely to contribute much towards carrying into effect the union of the provinces; but, taking it for as much as it was worth, he thanked the right hon. and learned gentleman for this his only practical suggestion. A fourth suggestion of the right hon. gentleman was, the establishment of a sort of *ad interim* government for the two provinces. The right hon. and learned gentleman proposed that the legislative council of Upper Canada, should confer with the governor and special council of Lower Canada in matters of joint concern. He did not think that such a proposition would be very agreeable to the House of Assembly of Upper Canada. He did not think that a popular body would be content to give over to a provisional government—wholly irresponsible government—its most important functions. He considered that this suggestion might be fairly considered to counterbalance the advantage of the other about municipal institutions. He therefore thought, that the speeches of the hon. gentleman who had addressed the House, did not, any more than the documentary evidence in existence, afford them any assistance in determining upon immediate measures. He had adverted to the suggestions of the right hon. and learned gentleman who had promised to find out the practical course to be pursued, and he must say, that, considering the right hon. gentleman's great acuteness, legal knowledge, and experience, a more sorry entertainment than that with which he had treated the House he had never met with. It was impossible for him to support the motion of the hon. member for Leeds. If they were prepared for legislation during the present session, let them proceed to it at once. But, if they could not legislate until next session, let them not fetter the House with any pledge at present. He was perfectly ready to admit, that he thought the affairs of Canada ought to be an object of paramount concern to parliament in the next session; but he would not imply so much distrust in parliament as to pledge it now for the next session. Before the House proceeded with the consideration of the clauses of the bill, he wished to make some observations with respect to the general character and operation of the measure. This would be a much better course towards her Majesty's government than entering into discussion upon mere details, without any preliminary discussion upon the general scope of the measure. In fact, there had not as yet been any explanation of the particular object of the bill. He certainly thought, from the declaration of the government, that it had been intended to extend the period of the existing bill for a short time, on account of some difficulties which it was anticipated might arise suddenly upon the expiration of the act of 1840. He thought that some additional powers would have been given to the governor and special council—the want of which at present threw great obstacles in the way of certain local improvement. He thought, too, that since, in consequence of the clause introduced into the act of last year, preventing the provisional government from altering any law of the Imperial parliament, considerable practical embarrassment had been found, that such an extension of power would be given to the provisional government as would enable it to preserve the public peace, and to repel aggressions. He had no hesitation in

saying, that he should be prepared to give her Majesty's government any of these powers for which ground should appear, or any which could be shown to be absolutely necessary for the maintenance of the public peace, or the effectual repression of insurrection. He would now examine the bill before the House more particularly, and consider it under three different heads. First, with respect to the duration of the present measure. He certainly was glad to find that it was not intended to extend the duration of the act of last year. The act of last year would expire on the 1st November, 1840. He was glad to find that her Majesty's government did not at present consider it necessary to renew it, but were content to propose its renewal, if it should appear necessary, during the next session. The present bill did not provide for the extension of the period for which the provisional government was to endure. Unless renewed in the course of next session, the act of last year would expire on the 1st November, 1840. But the bill before the House proposed that the ordinances of the provisional government, which would, under the existing act, expire in 1842, might, under certain circumstances, have a more permanent duration. No change was to be made in the period for which the provisional government itself was to exist, and this part of the bill was not intended to be altered. It was proposed that the ordinances of the provisional government should have, in certain cases, a longer duration than 1842, but not that there should be any extension of the period during which that government itself was to continue.

Lord J. Russell, if it had been proposed to go on with the bill for the union of the provinces during the present session, they should also have to extend the duration of the provisional government to January 1842.

Sir R. Peel was correct, therefore, in supposing that although an indefinite duration might be given to the ordinances of the provisional government—that government could not exist beyond the 1st of November, 1840, without the further intervention of parliament. The second point to which he wished to call the attention of the House, was the third clause in the bill. That clause contained much more extensive powers of taxation than he thought were at present contemplated by the House. First, let the House consider the restrictions upon the taxing power which were imposed on the provisional government itself. By the act of last year, the governor and special council had not the power to impose any tax or rate, save only as far as concerned the continuance of any tax or rate payable within the province at the time of the passing of the act. The bill before the House proposed to repeal the restrictions imposed by the act of last session, and to permit the levy of any tax or impost within the province to any amount, without any restriction, excepting that the proceeds of such tax should be applied to local improvements within the province, and this provision—"That no such new tax, rate, duty, or impost, shall be levied by, or made payable to, the receiver-general, or any other public officer of her Majesty's revenue in the said province; nor shall any such law or ordinance as aforesaid, provide for the appropriation of any such new tax, duty, rate, or impost, by the said governor, either with or without the advice of the executive council of the said province, or by the commissioners of her Majesty's treasury, or by any other officer of the Crown."

He begged to call the attention of the House to this point. They removed the restriction, namely, that no tax should be imposed by the governor and council, except the continuance of an existing tax, and they gave the governor and special council power of unlimited taxation for local improvements. Observe, too, how indefinite the terms were. The bill gave a power to the governor and council to raise taxes "for carrying local improvements within the said province, or for the establishment and maintenance of police, or other objects of municipal government." What were the objects of municipal government? Under these vague terms, every expense of a domestic nature might be included. He could understand that the police of Montreal or Quebec might be defective, and that there was no power at present to apply a remedy. And if the government had specified matters of this kind, he (Sir Robert Peel) would not have refused what might be asked as a cure for the evil, if the necessity for it had been made out. The course which the government ought to have pursued was, to give a distinct enumeration of the objects for which this power of taxation was required. He would not then have refused it, if they succeeded in showing its necessity. The right hon. gentleman opposite

laid upon the table of the House in the last few days, a report of the council of Lower Canada, in which some approach was made to such a specification. The report says—"That the governor and special council should be empowered to impose taxes for purposes altogether local, such as the maintenance of a police force, the lighting and paving of streets, and for otherwise improving towns and villages, and to increase or reduce local rates already existing; and further to pass ordinances for the under-mentioned purposes, viz., for the inspection of produce, and to impose rates of inspection; for authorizing companies or individuals to construct railroads, canals, bridges, and other internal communications, and to impose tolls and rates of transport thereon; for the borrowing of money for internal improvements, on the security of the revenues of the province."

The bill for the union of the provinces, also contained a specification of the power to be exercised by the municipal authorities. From these different sources they might gather what was meant by municipal objects; but there was no precise definition of the phrase; and there was a bill now under the consideration of the House which, if it became law, would very much extend the meaning of municipal objects. The bill to which he referred, proposed to give to town-councils the power to raise money, not only for ordinary municipal purposes, but upon agreement of two-thirds of the council to raise money for the public benefit of the borough, and the inhabitants thereof, by levying a rate on the inhabitants. Municipal objects might, therefore, have a very extensive meaning next year, and there would be no restrictions whatever on the power of the governor and council to raise money, on the ground of effecting local improvements, and promoting municipal objects. In another point of view, the governor and council would still be prevented from appropriating to the public service more than was appropriated in 1832, or about £40,000; but they would have unlimited power of taxation for local improvements and municipal objects. He must repeat, that he was perfectly ready to consider any *bonâ fide* improvements or municipal objects that might be specified, but he objected totally to this unlimited power of taxation. He was also ready to enable the provisional government, by the suspension of the Habeas Corpus Act if necessary, to maintain internal tranquillity, and to put down insurrection. But it was absolutely necessary to define and limit the power of taxation. Lord Durham, who felt the necessity of some power of taxation for local improvement, proposed that an ordinance proposing a tax should have no force until laid before parliament. He would ask, whether this clause gave the power to the provisional government to incur debt for the promotion of internal improvements? If so, it might not only tax the colony to an indefinite extent at present, but mortgage its future revenues; and the new municipal institutions that were to be created, would find it their principal business to raise funds to pay the interest of the debt so incurred. It was impossible that parliament could contemplate giving a power of this kind. He could not undertake to amend the clause, but as it now stood he must oppose it. He would give the provisional government the power that might be necessary to prevent the obstruction of public improvements, to maintain the authority of the Crown, and repress insurrection—but he must contend for a limitation of their discretionary power over taxation. So much with respect to this point. He now came to the fourth clause, which gave most extensive power. He did not know whether he comprehended the general powers that were given by this clause; but he found, on referring to it, that there was a power given "to repeal, suspend, or alter, any provisions of any act of Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any act of the legislature of Lower Canada, as then constituted, repealing or altering any such act of Parliament." Let them know exactly the position which was established by this clause. He did not apprehend, that greater power was to be given to the governor and special council than the colonial legislature previously had; but in the original act, granting power to the legislature, there was superadded this restriction, that they should not have the power of repealing or altering any act of the British Parliament. In repealing this restriction, was an unlimited power given, or was it only given to the extent which the original legislature had? Did they, for instance, intend that the governor and special council should have the power of dealing with the tenures of land? If it were fitting to give the power of dealing without limitation with the tenures of land, surely that was establishing a strong

presumption, that the governor and council might be safely intrusted with the general administration of the province. He could not help thinking, that it was the original intention of the government to propose some limitation on this subject. He found, by a cautious note in the margin, that this power of altering the law of tenures was expressly limited to the enfranchisement of the Montreal district: he hoped that every gentleman would read this marginal note, and he would find, that it was not intended that the governor and special council should have a general power of altering the law of tenures. This was another proof, that matters of this sort were not prepared with that care which they required. He admitted, in a spirit perfectly fair, that he would not withhold this power if they showed him, in a special case, like that of Montreal, an opportunity of effecting a great public good with the good-will and consent of all parties, which, if deprived of this power, they could not effect. He would vote for granting that power in that special case, or in any other special case of a similar nature; but to alter the whole law of tenures, after the speech of the right hon. and learned gentleman, showing the connection of the Roman Catholic religion with property, he was not prepared; and he asked, therefore, was it right to give to a governor and special council an unlimited power of altering that law? He would make no objection with respect to the duration of the present law. That law would expire in 1840; but if he were convinced of the necessity of renewing that law, he would consent to a short renewal. As the law stood, the power of the present government would expire in 1840. He must say, therefore, that he did not think it prudent to give to the governor and special council the unlimited power of taxation which the third clause gave, or those extensive powers of altering the law which were given by the fourth clause. It was said, that in consequence of the restriction imposed on the provisional government by the clause, commonly called Sir William Follett's clause, the power of suspending the Habeas Corpus Act was not given. There were doubts on the subject. How would the clauses of the present bill solve those doubts? Why not specify the nature of the doubt, and provide a distinct remedy? The governor and council had no higher power than the colonial legislature had. Had the legislature the power of suspending the Habeas Corpus Act? Was it perfectly clear, that the colonial legislature ever passed a law to suspend the Habeas Corpus Act? [The Attorney-general, It was done in Upper Canada.] With respect to the power itself, he was ready to assent to it; and, as far as he could ascertain from the last accounts that had reached him, he entertained doubts whether, in the present state of the colony, they ought to refuse to the government of it, into whosoever hands it was committed, full power to maintain the authority of the British Crown, and to provide for the security of its subjects. He had stated the grounds on which he had objected to those clauses of the bill giving unlimited powers of taxation and legislation, and he had thought it right to state his view of the general operation of the bill before going into committee. He would not undertake the modification of those clauses according to his own views, not having that information which was absolutely necessary to undertake that task; but he trusted that government would—and he could not help thinking, that it would be the sense of the House that the government should—taking all the powers that were necessary for all specified local improvements, and for maintaining the public welfare, impose some limitations on the extensive powers that were proposed to be given by this bill.

The House divided on the original motion: Ayes, 223; Noes, 28; majority, 195. The House then went into committee.

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### UNIFORM PENNY POSTAGE.

JULY 12, 1839.

On the motion of the Chancellor of the Exchequer, the order of the day for receiving the report of a committee on the Postage Acts, was read. On the question that the report be received, Mr. Goulburn moved a series of resolutions to be substituted in lieu thereof.

SIR ROBERT PEEL observed, that it was one of the inconveniences attendant upon

this question, that the House was called upon to take a part in a discussion which commenced at eleven o'clock, and if he had been inclined to take any party advantage, nothing could have been more easy than for him to have objected to proceeding with the question at so late an hour. He confessed he was surprised to hear the right hon. gentleman (the Chancellor of the Exchequer) affect astonishment at the novelty of the course which he had taken. Was he bound to state every objection that he had to offer the other night? He had stated no objection to the principle of the resolution; quite the reverse. What he had said was, that there was an insuperable objection, with a deficiency of nearly £1,000,000, to pledging the House irrevocably to this measure, at this period of the session, and without being acquainted with the whole details of the proposed measure. What was there in the amendment which was inconsistent with that objection? Was it not an objection, that the plan proposed that large discretionary powers should be confided to the government? Was it not a novel proposition when a measure was brought forward, to take the consideration of its details out of the hands of parliament, and to devolve that responsibility upon the government? He would remind the House also, that the proposition now made, was contrary to the recommendation of the post-office committee; for they recommended that the postage should be reduced to the uniform rate of 1d., whenever the revenue would bear it. The right hon. gentleman had said, that he would only ask for discretionary powers for the government until the next session of parliament. But was this the language of the resolution? The resolution which they were about to affirm was no devolution of a temporary authority, and if the right hon. gentleman meant to tell the House that this was merely an experiment, he had himself urged the most fatal objection to the scheme that could be brought forward; for if it were merely an experiment, it would be far better to wait till the next session, and then, after drawing its own conclusions as to the probable loss which the revenue would sustain, the government might, upon its own responsibility, ask the House of Commons to take into consideration the interests of all parties affected. The great objection to the resolution was, that with a deficiency of revenue, amounting to nearly £1,000,000, they were about to incur the hazard of further loss, to the extent of £1,500,000. There had been a deficiency in 1837, there had been a deficiency in 1838, and an increased deficiency in 1839, and yet a proposal was now made to incur the hazard of a further deficiency of £1,500,000. The right hon. gentleman had said that the remission of the tax would be of general utility. Was this to be the general principle on which the remission of taxation was to be conducted? Was it only to become necessary to raise an outcry for the abolition of some particular tax, to have it taken off, with a pledge that parliament would make good any deficiency which might be occasioned by its remission? This was just the course which was pursued by the National Assembly of France. They repealed every obnoxious impost, and placed the deficiency under the safeguard of the national honour, and they repelled, with indignation, the intimation that the public credit might not be safe under such protection. This was the course which the right hon. gentleman now took, and this was the precedent which he proposed to follow. But was there no other tax which pressed generally upon the public? Had they heard nothing about the window-tax? Had nothing been said about the repeal of the duty on soap? Would not the cause of morality and cleanliness be advanced if the soap-tax were repealed, and parliament were to pledge itself to supply the deficiency which might be thereby occasioned? Surely, if the principle was a just one, it ought to be applied in all cases. This was the first time that parliament, whether a reformed or unreformed parliament, had taken such a course. Men of all parties had hitherto agreed upon maintaining the public faith with the public creditor. In 1833, when Lord Althorp was left in a minority on the question of repealing the malt-tax, he applied to him (Sir R. Peel) the next day, for his support to a motion for rescinding the resolution upon which he was defeated, and he told him, that although it was a very strong measure, he would give him his support. Now, what were the principles which were laid down upon that occasion—principles which he hoped would not now be departed from? Lord Althorp threatened his resignation if he did not succeed in rescinding the resolution. He had heard a sneer from the opposite side of the House upon the measures which might be taken by the successors of the present government in office. He would remind them of what had been done by their pre-

decessors. It was well known that the fate of his (Sir R. Peel's) administration in 1835, depended upon the vote of the House of Commons on the malt-tax. He had, notwithstanding, resisted the repeal of the malt-duty, and being supported by many of his political opponents, he obtained a triumphant majority. The government might depend upon the same results, if they took the same course. There was no exception in point of principle in favour of post-office duties. He would take as taxes equally objectionable, the post-horse duty, and the tax upon stage-coaches. But what said the noble lord, the Secretary for the Home Department, in 1833, when Lord Althorp proposed to rescind the resolution for repealing the malt-tax? [Murmurs.] Really, if the House was to commence a discussion of this kind at eleven o'clock at night, after a protracted debate on another important question, they ought at least to afford him a patient hearing, and if they refused it, they could not blame those who proposed an adjournment. Let hon. members listen to the doctrines laid down by the noble lord, and they would benefit by them. The noble lord said, that the proposition of the hon. member for Lincolnshire, to commence the financial year with a deficit of £1,000,000, was one which he trusted no House of Commons would ever act upon, and which no minister should ever sanction. The noble lord had deprecated beginning the financial year with a deficit; but we had actually now a deficit of £1,000,000, and we were called upon to risk another 1,500,000. The right hon. gentleman, the Chancellor of the Exchequer, then Secretary to the Treasury, said on the same occasion, "Let a saving be first effected, or let a substitute be first provided, and then remit your taxes; but beware that you do not, by a rash proceeding, place the service or the engagements of the country in jeopardy." The right hon. gentleman seemed to be so sensible of the continued applicability of these principles, that in the course of his speech, devolving his duty upon the shoulders of members on the opposition side of the House, he said, "Do you propose any tax which will amount to £1,500,000 as a guarantee for the loss which may be sustained, and I will support you." Now, he apprehended, that this was rather the duty of the right hon. gentleman. Why did he shrink from the performance of his proper functions, and content himself with the pleasing duty of remitting taxes, while he left it to the opposition to find the substitute which he admitted to be necessary? The right hon. gentleman consoled the House by referring them to the pledge. Now, if he (Sir R. Peel) was perfectly certain that parliament was determined upon making this experiment, he should infinitely prefer, looking at the interest of the public creditor, that there should be no pledge at all. If the House were to give a pledge, that after the next session of parliament, or any other definite time, they would supply any deficiency which might then have arisen, the pledge would be of some service. But that was not the pledge for which the government asked. The pledge was simply to make good any deficiency in the revenue which might be occasioned by the adoption of the present plan. This was merely a vague general obligation to make good the deficiency at some future time. The author of the plan, Mr. Rowland Hill, whose remarks it was impossible to read without being prepossessed in his favour, admitted that the post-office revenue might suffer, but added, that a great stimulus would be given to commerce, which would be a benefit to other sources of the revenue. But who was to determine what benefit was received? Again, a member who had given the pledge for which the government asked, might notwithstanding say, when called upon on a future occasion to redeem it, that he had only pledged himself to make good the particular deficiency caused by the post-office reductions, and although there might be a loss on the revenue derived from the post-office, other branches of the revenue might have received an equivalent compensation, and therefore, that he did not conceive himself bound to make good his pledge. According to the views of one hon. gentleman, who was a great friend to the measure, the full effect of the plan could not be ascertained for three years. How, then, could they say that any deficiency had been occasioned by the alteration, till the plan had been brought into full operation? Let nobody ask for the remission of any particular tax in the meanwhile, for it would be impossible to say whether it could be taken off or not. There were other objections to this particular pledge. The parties who were eventually taxed to supply the deficiency, might urge that they did not object to taxation for a supply of a general deficit, but that they did object to being taxed to make good a deficiency in the post-office duties, because they had not



received a corresponding benefit. Now, he would ask the right hon. gentleman what tax he thought of imposing? There was now a deficiency in the revenue for three years of £1,800,000, and next year there would be a deficit of £1,000,000, without taking into consideration the estimate made by Lord Ashburton; so that there would be a fourth year of deficit. Now, what tax did the right hon. gentleman opposite propose? The right hon. gentleman had said, that there was a difference between political and financial considerations; but could the right hon. gentleman propose the imposition of any tax which would not involve high political considerations? At all events, with a deficit of £2,000,000 in five years, the Chancellor of the Exchequer, whoever he might be, would be called on to provide a remedy. The right hon. gentleman sought to pledge the House to provide the deficiency which it was admitted would follow the adoption of this plan; but he failed to name the tax he had in contemplation. His (Sir R. Peel) belief was, that if it was intended to redeem the pledge, the House would pledge itself now, if it adopted the resolution of the right hon. gentleman to a property tax; and looking at the state of the public interests, and at the high scale of taxation upon articles which were the elements of manufacture and great consumption, possibly a property tax might be the wisest to be resorted to in such a case. But would the House do so in order merely to raise one or two millions of money? Was it not better to leave the matter unembarrassed by parliamentary pledges, and trust rather to the general sense of parliament, to take such a course as the public interest required? He should on these grounds refuse the pledge. The right hon. gentleman might, if he thought proper, throw on him (Sir R. Peel) the odium and unpopularity of defeating his measure; for that he absolutely cared nothing; but in a matter of this importance, he would rather relinquish public life, and this arena, in which he had combated for thirty years, than he would give his consent to the course of proceeding now proposed. He should co-operate with no hon. member opposed to him in politics to defeat the plan. If hon. members of different politics to himself, joined with him in rejecting the present proposition, he should not reject their aid, but he should reject the plan, not from objections to the plan itself, but because the pledge by which it was accompanied was indefinite, discretionary, and almost unintelligible. He trusted that the House, comparing the advantage with the disadvantage, considering that this plan was first opened in the budget the other night, and that the House was now, on the 12th of July, discussing a mere resolution, and that no bill on the subject had yet been introduced—remembering that they had not been afforded an opportunity of consulting their constituents—remembering, also, that the government had not yet made up their minds on the question as to what description of paper was to be written upon, or upon the question involved in the two words new to the language, viz., repayment and postpayment;—looking to all these circumstances, he trusted the House would not leave these matters to any department to determine them. Was it fitting that the Treasury should have the right to determine, without appeal to parliament, whether or not any single paper-maker should have the monopoly?—was it fitting for the House now to agree to that part of the measure, which might involve the interests of the paper-makers generally? He would not anticipate or suppose any abuse of the power; but he claimed for parliament the right to consult those of their constituents whose fortunes were involved in the matter. Would such a course be a good example to set at the latter end of July? It might be fancied that at present there was a popular clamour, which left no option in the matter; but, in his opinion, in one month the public would think it better that the government should afford them and their representatives an opportunity of considering the subject, by postponing it to an early period of the next session. He had heard with much pleasure, in the course of the debate which this evening had taken precedence, an assurance given by hon. members on all sides of the House, that whatever alterations they might seek to make in the constitution of the country, still they were determined to maintain the public credit. He was gratified to hear, that though parliaments might be made triennial, that universal suffrage might be admitted, and the vote by ballot introduced, still every hon. gentleman who had spoken in the debate to which he adverted, had expressed his determination to keep the credit of the country inviolate. Should it then be said, that the parliament, at the end of a session, with a deficit in the revenue of £1,800,000 in three years, and of £1,000,000 in the present, with no

possibility of a decreased, but rather with a chance of an increased expenditure, to answer the necessities of the public service, bequeathed to its successors the example first, of divesting itself of its proper function, and committing the fortunes and interests of the manufacturers to the control of one department of the State; and, secondly, in the existing condition of the public revenue, for the first time, also, set the example of a government not providing for the maintenance of public credit, not resisting the demand for a removal of taxation, not making those who were to reap the benefit feel the pressure of an immediate substitute, but setting the example of conciliating public favour by the indulgent task of remission, and contenting themselves with an unintelligible pledge, that parliament would provide a compensation for the deficiency in the revenue which they were about to create.

The House divided on the original question: Ayes, 215; Noes, 113; majority, 102. Report agreed to.

## POSTAGE DUTIES BILL.

JULY 22, 1839.

In the debate on the second reading of this bill,—

SIR ROBERT PEEL said: I will in the first instance refer to two or three minor points which have been alluded to on the assumption that this bill will ultimately pass into a law. Assuming that to be the case, I do not concur with my hon. friend, the member for the University of Oxford, (Mr. Goulburn,) that it would be desirable that the members of this House should retain their parliamentary privilege of franking. I think, if it were to be continued after this bill came into operation, that there would be a degree of odium attached to it which would greatly diminish its value. The reason for keeping it up will, in a great degree, expire with the passing of this bill; for when members of parliament can receive their communications for a penny each, it will not be necessary to preserve the privilege of franking. With respect to official franking, whether the bill pass into a law or not, some alteration would be advisable. So far as the measure is an experiment, I concur with the right hon. gentleman opposite, that new regulations ought to be adopted. I think it would be advisable to require, that each department should specially pay the postage incurred in the public service of the department. If every office be called on to pay its own postage, we shall introduce a useful principle into the public service. There is no habit connected with a public office so inveterate or so difficult to be laid down as the privilege of official franking. But the benefit of adopting a new principle will be this, that the man who, acting on a uniform practice, and who, from the force of an established habit, would not refuse to frank a packet of letters for a friend, would refuse to take eight or nine shillings out of the public coffers by conferring a similar obligation under the new system. Of late years a very great extension has taken place in the practice of official franking. Indeed, within the last two sessions, a great increase has taken place in the number of persons admitted to frank, and this bill convinces me, that it would be advisable to take this privilege under some new regulations. With respect to the privilege enjoyed by members of the House of transmitting without restriction voluminous documents at the public expense, I certainly think that this is a privilege liable to very great abuse. It is monstrous, that a member of parliament may send 150 volumes of parliamentary papers of the present session, and two hundred volumes of a former session, through the post-office, without any restriction or any charge. I apprehend that the advantage of this privilege is very much overrated, and I am sure that it acts very unequally. I am sure that there are many members of the House who would object to send packages in this way through the post-office. I am sure that there are many members of the House who would shrink from the exercise of such a privilege. With respect to the particular regulations to be adopted, I will not now offer any opinion, but some regulations are undoubtedly desirable. I am convinced, that if the 653 members of the House were to send the whole of the blue books received during the session through the post-office, it would be attended with the greatest inconvenience to that department, and I shall concur in any regulation that may appear calculated to control that privilege within proper limits. There might still

be the permission to purchase the papers at the public office in the usual way; but if every person can procure these books at a very cheap rate, I see no reason why the public should be called upon to pay the charge of sending them through the post-office. I stated on a former night, that, having deliberately protested against this measure, I should not think it necessary to meet its further progress with any vexatious opposition. I am not surprised, that my resistance to this measure has been ineffectual. I know very well, that whenever the Chancellor of the Exchequer declares himself in favour of the remission of any tax, all resistance to such remission becomes vain. I know very well, that if the Secretary of the Home Department were to declare, that the disturbers of the public peace were to be kept free from any control or interference, we could expect nothing but to have the country overwhelmed with confusion and disturbance. The Chancellor of the Exchequer has control with respect to taxation, and when he declares his intention to remove a tax, all resistance must prove unavailing. I stated that, in the present circumstances of the public revenue, I objected to increase the risk, and I think that the right hon. gentleman has given me a very ample vindication of the course I have pursued. The right hon. gentleman says, that he wishes that more time had been given for consideration, and that he might have full means of estimating the loss of revenue. The right hon. gentleman admits, that he ought not to have brought forward the subject without the calmest consideration. Suppose that the right hon. gentleman had asked time for that, and had asked the House to consent to a postponement till next session, and that notwithstanding he had been overborne by the sense of parliament, in that case, the responsibility would rest upon the House, but at present the responsibility rests with the right hon. gentleman himself. The right hon. gentleman will succeed in carrying his measure, for it cannot be effectually opposed. I think, however, that in opposing this proposition, I have done right; and I am desirous that the public opinion shall be pronounced on my conduct, not now, or in two months after the passing of this bill, but on the day when parliament must either abandon its pledge or be called on to make good the deficiency. The whole pledge amounts to this, (and it is contained in the preamble,) that parliament will make good any deficiency that may occur. That is the whole amount of the pledge. There is no enactment, no recital in the preamble of its nature, or the extent to which it is to go. Now what passed the other night? My objection was, that no one could fix the time at which parliament would be called on to redeem the pledge. The right hon. the President of the Board of Trade, acknowledged that there would be a considerable deficit, a thing always to be deprecated in a great commercial country, and stated that in the next session we shall be called on to redeem our pledge, and to fix a new tax to supply the deficiency. That was the only distinct intimation we had of the time when the redemption of the pledge will be required. When the right hon. the Chancellor of the Exchequer says, that his present conviction is, that parliament will redeem the pledge, he should bear in mind the reservation with which many hon. gentlemen on his own side of the House accompanied it. The hon. member for Greenock says, that he will cheerfully bear his part in supplying the deficiency; but I do not understand him to construe his promise as the Chancellor of the Exchequer construes it. I understand him to say, that if eventually there shall appear a great deficiency, he will then consider the means of replacing it. Then the hon. member for Bridport means to redeem his pledge, not by taxation, but after the reduction of postage shall have had what he considers to be a sufficient time for fair trial, he will consent, not to reduce taxation, but to endeavour, by some new arrangement of the revenue, to give such a stimulus to commercial industry as will, after another lapse of time, make up the deficiency. Sir, I have before expressed my apprehension that, without reference to the post-office, there must be a continued and increasing deficit in the revenue, and this apprehension has been confirmed by what I have heard this evening. I have heard that government, feeling themselves bound by an imperative sense of duty, propose to make an addition to our regular force of 5,000 men, which will incur an expense of at least £150,000 a-year. We also hear of measures for the establishment of a rural police throughout the country. There may be necessity for both these measures—I say not one word as to their policy. The circumstances must be grave indeed which call on government to submit them to the House; but what will be the effect of those measures on the revenue of the country?

Shall we be able to meet this increase without reference to the post-office? I fear, on the contrary, that the deficit now existing will be increased, and that next year it will be much greater than at present. But I will not overrate these difficulties. I do not deny that great social and commercial advantages will arise from the change, independent of financial considerations. Even if the scheme had not been proposed, I think the evidence which has been laid before the committee would warrant a considerable reduction in postage. I think we should have made the experiment of a partial reduction. It has been said that the principal advantage of this measure will be felt by the commercial interests. If so, it will only be a greater recommendation to me; for, whenever commercial intercourse is facilitated, the result must be the general benefit of the country. The change must also in its extent contribute to the improvement of the lower classes, although I think that the probable benefit has been greatly overrated. I think that at least we should have had an opportunity of getting at something like the exact extent by which the correspondence of those classes would be increased before we proceeded to legislation. We might, for instance, ascertain what is the extent of the correspondence of soldiers and sailors, who, at present, have the advantage of a penny postage. It would be a matter of great importance, in fact, a material element in the consideration of this question, to ascertain to what extent those parties have availed themselves of these advantages. You should recollect also that the abolition of the parliamentary privilege of franking will in itself limit the correspondence of the poorer classes, because that privilege is often at present used for the benefit of those who cannot afford even a single penny. Thus, there is an advantage of sending a letter without any charge, for which even the general reduction to one penny will not compensate. I do not state this as an objection to the measure; I merely state it as a reason for thinking, that you have rather over-estimated the advantage which the poorer classes will derive from the change. Well, Sir, supposing there is a great defalcation in the revenue, by what new tax would you propose to redeem your pledge? You remit this tax on the principle that all high taxation is impolitic; for that reason you reduce the postage from 6½d to 1d.; but on what article will you increase the taxation? I look through the long list of malt, hops, candles, coffee, &c., and I ask on which of them you expect to raise a tax of two millions a-year? Can any man deny that there will be enormous difficulty in subjecting any of these articles to a new duty? All the advantages obtained for correspondence will not diminish the objections to whatever tax you may propose. I say, then, that I do not deny the advantages that will result from the remission of this tax, for there is no tax the remission of which would not be of benefit to the community. There is, for instance, the tax on internal communication, the repeal of which would redress a balance of injustice, because in that part of the country in which there are no railways, and is therefore cursed with imperfect communication, there is a charge on posting of twopence a-mile, whereas, in those parts traversed by railways, while the people have every facility of travelling, they are free from charge. Why, no one will attempt to deny that the abolition of this tax would be a general benefit; but we are precluded from the consideration of that claim by the pressure of the postage measure. The Chancellor of the Exchequer will not listen to any proposal for reduction of taxation until this is disposed of. For my part I do not say that, in the present position of our finances, I will not vote for any reduction of taxation. I attach so much importance to the preservation of public credit, so certain am I that, at a general election, the present measure might serve as a precedent for a government to court popularity, by proposing to reduce a tax, throwing the task of supplying the deficiency on their successors, or trusting that some future parliament will redeem the pledge of the one now sitting, that I shall not give this measure my support. Sir, I have been taunted with making this a party question, but I came down here to-night prepared to adhere to the engagement I entered into on a former stage of the measure—to content myself with entering my protest against the principle. However, if my hon. friend is determined on dividing the House—although, as the sense of the House has already been so fully expressed, I think it unnecessary to press it to a division—I shall certainly vote with him. However, my own intention is not to trouble the House with any harassing opposition, but to content myself with the protest I have already entered.

Bill read a second time.

PETITION OF MESSRS. HANSARD.

AUGUST 1, 1839.

On the motion of Lord John Russell the House proceeded to the consideration of the petition of Messrs. Hansard.

The noble lord then proposed the following resolutions:—"That Messrs. Hansard, in printing and publishing the report, and the minutes of evidence on the present state of the island of New Zealand, communicated by the House of Lords to this honourable House, on the 7th of August, 1838, acted under the orders of this House; and that to bring, or to assent in bringing any action against them for such publication, is a breach of the privileges of this House."

"That Messrs. Hansard be directed not to answer the letter of Mr. Shaw mentioned in this petition, and not to take any steps towards defending the action mentioned in the said letter."

SIR ROBERT PEEL said, that when the question was last under the consideration of the House, a proposal was made that they should take a course which would be tantamount, if resistance were offered, to committing the sheriff for levying the fine that was inflicted by the Court of Queen's Bench. He opposed that course, thinking upon the whole that, having permitted the Attorney-general to appear, and having apparently submitted the question to the decision of the Court of Queen's Bench—and the court having decided against them, and the sheriff, who was a mere ministerial officer, being bound to obey the orders of that court—he thought it would give rise, not only to inconvenience and misconception, but also to injustice, if they inflicted punishment on the merely ministerial officer, after they had, by their own voluntary act, become parties to the proceeding. But he had previously said, that he had heard with regret that authority was given to the Attorney-general to appear, and further, that the sole ground on which he consented to forbearance on the part of the House, was on account of the peculiar course they had adopted—on account of their having apparently submitted their privileges to the decision of the Court of Queen's Bench; but he then advised, if the case should again occur, that they should take another course: that they should not allow the Attorney-general to appear and apply to the Court of Queen's Bench for judgment, but that they should assume to themselves the vindication of their own privileges; but that was a course which appeared to him to have received the sanction of the Court of Queen's Bench, in the decision it had come to in the case of *Stockdale v. Hansard*. He there found it laid down by the Lord Chief Justice—"The Commons of England are not invested with more of power and dignity by their legislative character, than by that which they bear as the grand inquest of the nation. All the privileges that can be required for the energetic discharge of the duties inherent in that high trust, are conceded without a murmur or a doubt."

He then asked this question, whether, upon a matter of privilege, an inherent high trust, they should permit the Messrs. Hansard to attend before another tribunal, to determine upon this matter of privilege? His hon. friend near him (Sir Robert Inglis) said, that there would be some difficulty in this question, since they had only the power to commit to the end of the session. If that were a fatal objection to the exercise of this power, it was an objection that would apply to all. Their proceedings would be entirely paralysed if, because their duration was not so complete as that of the Court of Queen's Bench, they were never to exercise their powers. They might as well abdicate their functions altogether. What was the argument? that because their powers were not so enlarged, or complete, or permanent, as those of other bodies, that, therefore, they were to determine never to exercise any of those powers? He could not give up the advantage which they possessed in the case of the New Zealand inquiry, because if they were prepared to relinquish their privileges in this case—if they were prepared to permit Messrs. Hansard again to appear before the Court of Queen's Bench, because the case was so strong that it must be determined in their favour—it would be appealed to as a precedent, and it would be said hereafter, "Now, you must submit, because here is a case in which you did submit, and defend the question." It was impossible, he conceived, that they ever could have a case at all corresponding to the present; and if, therefore, they were to

abandon their privileges in this case, they must completely and permanently abandon them. What was the case? An inquiry was conducted in the House of Lords. The House of Lords attempted to take a course which was suggested to this House that they ought to take, namely, they should not give the names of the parties examined; and the House of Lords, therefore, excluded the name of Mr. Polack, and contented themselves with giving his initials. They gave his initials J. S. P.; and they stated that those initials referred to a person who had appeared as a witness before the House of Lords. Now there was no witness who had the initials J. S. P. except Joel Samuel Polack; indeed he was the only witness whose name began with a P.; it was clear, therefore, that Polack was the man referred to. Now the inquiry was instituted, not in order to enable the House of Lords to determine what course they should pursue in some particular case, but to enable parliament to determine what policy it might be prudent to pursue with respect to the colonization of a great island. The inquiry would be perfectly useless, if the House of Lords were the only parties to know the facts. The evidence would be a perfect mockery, if it were communicated solely to the members of the House of Lords, and the members of the House of Commons. The question here involved was, would they encourage emigration or not? If they did not, let those parties who were desirous to emigrate know what the evidence was on the subject, how was it possible that they could attain their object? This was the report of the House of Lords:—"That it appears to this committee, that the extension of the colonial possessions of the Crown is a question of public policy, which belongs to the decision of her Majesty's government; but that it appears to this committee that support, in whatever way it may be deemed most expedient to afford it, of the exertions which have already beneficially effected the rapid advancement of the religious and social condition of the aborigines of New Zealand, affords the best present hopes of their future progress in civilization."

Two objects were here referred to, the advancement of civilization, and the mode of establishing civilization by promoting emigration. How could they promote that object, except by making known the result of their inquiries? How otherwise could they encourage emigration? How could they say to parties desirous to emigrate, "We are willing to encourage you, but we must withhold all the information we possess; we have large volumes printed containing information, but we are prevented by some rule of law from communicating it to you." The evidence of Polack had a most important bearing on the hopes, and interests, and fortunes of emigrants. He did not know whether Polack volunteered as a witness; he could only say this, that Mr. Polack did appear as a witness. He thought the following answer of Polack most important:—"How would colonization prevent wars between the natives?—By employing their minds and their bodies; by Europeans settling between them; by Europeans taking up the slaves as farm servants. The slaves of New Zealand are very impertinent; they are given to invention and lies, and those are things which cause more wars between the natives than any thing else."

Polack also states another circumstance most important, but of no value unless it was published:—"Has the native population decreased?" he was asked, and he answered,—It has. Do you account for that chiefly by war?—No, I think the principal cause is infanticide. I have seen many women who have destroyed their children either by abortion, or after their birth, putting them into a basket and throwing them into the sea, after pressing the frontal bones of the foreheads. Why have they done that?—I have had conversation with them upon it. I saw a girl one day, and knowing she was pregnant, I said, 'Where is the child?' The answer was, 'Gone.' 'Gone where—where is it gone to?' 'I killed it,' was the answer, with the greatest apathy."

This was a most important statement. A man going to settle in this place would ask what was the character of the natives, what were their feelings respecting land and the tenure of land? And the answers would be of no use whatever, except those who contemplated emigration. How, then, was it possible that they could conduct such an inquiry with any advantage, if the Court of Queen's Bench had a right to restrain them from publishing the evidence to the world. Polack again states this, which appeared to him rather extraordinary, and which it was important for emigrants to be informed of. "Do you think any attempt to unite different

tribes in one, and to put a stop to their wars, would meet with success?—That never can be done. Oil and water will not amalgamate. They visit one another?—Yes. During those visits they live on good terms?—Yes; they will absolutely fight against their own party in favour of the people they may reside with. Sometimes their superstitions occasion a great many wars; for example, if a pig passes over a cemetery there is a war immediately. Giving up the pig will not renew former amity; there must be war. If a man happen to put his pipe at the top of an old rush-house, which no person would live in, war ensues; and enmities arise from the most trifling things possible. They are children on that subject."

Now, supposing an emigrant were desirous of going to this colony, would he not be most desirous of knowing the state in which the people were, the way in which they lived; and would he like to be involved in contentions in which he had no particular interest, or to find the prosperity of the colony impeded by the contentions of the natives? But another witness was called, and he was rather surprised at his evidence, for he stated that he knew ——— in New South Wales; that he should not designate him a respectable man; and that he would not believe him on his oath under any circumstances. Was it important that parties intending to emigrate should or should not know this? What would be the position of the Imperial parliament if they encouraged parties to emigrate upon testimony of this kind, and withheld the testimony affecting its credit of which they were in possession? He referred to this for the purpose of showing how impossible it was to maintain the distinction, that they should receive this information in their capacity of the grand inquest of the nation, that that information should be confined to themselves, and that it should be burned when they ceased to exist. As to the question of publication and sale, if there was any one point more clear than another it was this, that whatever moral responsibility the sale might impose, yet, in a legal and technical point of view, it made no difference. Sale was no necessary element in a court of law in order to determine the question of publication. He, therefore, did not think that his hon. friend (Sir R. Inglis) could safely rely upon the distinction between this House and the House of Lords, because the courts of law had distinctly decided that there was no difference whatever. The fact was, that publication by order of the House of Commons made it privileged. What course were they, then, to follow? The privilege of publication would be of no avail whatever, unless it was one by which the community would be served. He did not say, that in every case they were to give cognizance of their papers to the community at large, but there might be cases in which it was absolutely necessary that the community at large should have all the information they could give; and the only point was, whether they were to exercise their discretion in determining whether the case was fit for publication or not? If they permitted this to be determined and decided upon by any other body, they became an inferior authority in the State. He did not contend for unrestricted publication of every thing; all he contended for was, that of all such information as they were in possession of, which they thought ought to be communicated to the public generally, they only should determine upon the policy of that publication; and when they had determined to make such publication, no extrinsic authority should exercise jurisdiction over their acts. The immediate question was, what the House should do? Ought they to instruct Mr. Hansard to plead to the action? If so, they had the decision of the Court of Queen's Bench already against them. Ought they to admit that the House had been wrong? In that case they must abandon altogether and for ever the right of publishing their proceedings. The course proposed by the noble lord appeared to him to be one tempered with great moderation, by not proceeding directly upon the resolution of 1837, but again giving notice to the world of its existence. Having once tried the case in a court of law, hoping to have a decision in favour of the privileges of the House, and having been disappointed, they now intended to be the judge of their own authority, and to punish those who would attempt to interfere with it. There might be a case in which the authority of the House might still be resisted; but the public would now generally become convinced, that these privileges were not exercised for the personal gratification of the members of this House, but they were intrinsically interwoven with their public functions, and absolutely essential to the discharge of them. The noble lord proposed to proceed in a manner which should subject to punishment, as for

high contempt, any one presuming to dispute these privileges. The judges had admitted that this House was in the possession of every power for the vindication of its privileges and the due exercise of its functions; and that if it were to commit a person for contempt of those privileges, no court would take cognizance to relieve the party. He would read the opinion of a high judicial authority, who said, that, "in case of committals for contempt, no doubt the House of Commons was the sole judge of the cause, and that no court of law could inquire into it." He (Sir R. Peel), therefore, had been from the first of opinion, that the most proper mode for the House to have proceeded in was, to interpose its authority at once on the first symptom of the contempt; but, as a different course had been adopted in the earlier stages of the case of *Stockdale v. Hansard*, he had not thought it advisable to interfere, after once having submitted as it were to the authority of the court; but now, having once gone before the Court of Queen's Bench, but without success, he did not think that any one would say that in the present case they would be proceeding with undue arrogance, or without due and sufficient cause, if they gave a distinct notice, that whoever attempted now to dispute this privilege should be punished as for a high contempt. He thought that in so doing they would have the public with them; and even if they had not, they would have the satisfaction of knowing that they had done their duty, and had endeavoured to preserve the privileges that were vested in them for the benefit of the people of England.

Resolutions agreed to.

#### PRIVILEGE—*STOCKDALE v. HANSARD*.

JANUARY 16, 1840.

Lord John Russell presented a petition from Messrs. Luke and James Hansard, the printers to the House, by which it appeared that certain goods, their property, had been taken, in consequence of their acting in obedience to the orders of the House. The petition having been read, was ordered to be printed, and taken into consideration on the next day.

Lord John Russell then moved "That John Joseph Stockdale, the plaintiff, be called; next, Thomas Burton Howard, his attorney in the case, then the sheriff, under-sheriff, and deputy under-sheriff, together with the bailiff who acted in the case." The noble lord concluded by moving "That John Joseph Stockdale be summoned to the bar on the following day."

SIR ROBERT PEEL said that it was important the House should clearly understand the position in which they stood with respect to this question, not that he meant thereby to bind their judgment, but because it was necessary that they should be aware of the course which they themselves had taken. In the year 1837, a committee was appointed by that House, composed of many of the most eminent legal authorities in it; that committee united the hon. and learned member for Edinburgh (the Attorney-general), Mr. Sergeant Wilde, his hon. and learned friend the member for Huntingdon (the Attorney-general under the late government), and his hon. friend the Solicitor-general under the same government. That committee, with one exception, came to the unanimous opinion that the House had the privilege, and that it was the sole judge of its own privilege. When that report was made by the committee, the House of Commons confirmed it by resolution. A second action was then brought by Mr. Stockdale, and certainly to his regret an appearance was entered to the action. He thought that it would have been better for the House of Commons at once to have assumed the vindication of its own privileges, and not to have permitted them to be adjudicated upon by any court of justice. He admitted, however, that it was a question of great difficulty, and he deferred to the Attorney-general, who thought it better to plead to the action. That step he owned, he regretted at the time, and he even then predicted what would be the result. The question then arose, whether, having pleaded to the action, the House ought to prevent the execution of the judgment, and he had concurred in opinion with the noble lord opposite (Lord John Russell), that having submitted to the arbitration of the Court of Queen's Bench, there would be some inconsistency and some injustice, when that court had decided against them, in opposing the execution of the judgment. So



great, however, was the eagerness then on the part of House to vindicate their privileges, that there was great difficulty in inculcating forbearance upon that occasion. Notwithstanding the agreement of the chiefs of the opposite political parties in the House, the milder course was only carried by a narrow majority of twenty-two. The numbers were—188 to 166; so difficult was it, after hearing the speech of Mr. Sergeant Wilde, to persuade the House not to proceed to the immediate vindication of its privileges. In the course of the last session the damages were paid, he would not say with the consent, but without the opposition of the House. After all the discussion he was persuaded, and he had fully predicted, that there would arise a difficulty in the course which had been adopted. Their printer then received a notice from an attorney acting for a person named Polack, that notwithstanding the resolutions of the House, he was determined to bring an action against Messrs Hansard, and it became necessary to determine what course the House would pursue. The noble lord opposite thereupon proposed the following resolutions:—"1. That Messrs. Hansard, in printing and publishing a report and minutes of evidence, on the present state of the Islands of New Zealand, communicated by the House of Lords to this House on the 7th of August, 1838, acted under the orders of this House; and that to bring or assist in bringing any action against them for such publication, would be a breach of the privileges of this House; and 2. That Messrs. Hansard be directed not to answer the letter of Charles Shaw, mentioned in their petition, and not to take any step towards defending the action with which they are threatened in the said letter."

These two resolutions were carried, with a full knowledge of all that had previously taken place, by a majority of 120 to four. After the termination of the session, Mr. Stockdale, being aware, as they were all aware, of the incompleteness of the powers of the House, brought another action against Messrs. Hansard—a third action, for the publication of the very libel which had been the subject of the preceding action.—Messrs. Hansard did not rely on what the House had done in the case of Polack, although the principle laid down in the case of Polack was precisely applicable to the case of Stockdale. Messrs. Hansard applied for advice to the highest authority in that House, they applied to the Speaker, and the Speaker, concluding that the House intended to abide by the principle which had been laid down in the case of Polack, and which was carried by the majority of 120 to four, naturally and justly advised Messrs. Hansard not to enter an appearance to the action. Messrs. Hansard acted upon that advice, and Messrs. Hansard (their officers) had been subjected to the penalty of £600 for acting under the authority of the Speaker intermediately; but, as it appeared to him (Sir R. Peel), really under the authority of the House. If the House had received the same notice in the case of Stockdale as in the case of Polack, could there be a doubt that they would have affirmed the same principle? He begged them, therefore, to consider the position in which the House of Commons was placed. What was the course, then, that the House of Commons ought to take with regard to this action? And he only regretted that the legal difficulties opposed to the course proposed had not been stated months ago, before this action had arisen, and that they had been reserved for the moment when they were called upon to perform their duty. What then was the course suggested? Should they abandon their privileges? If they permitted the sheriff to pay Stockdale the damages which the jury had awarded, what would be the next step? They could not prevent Stockdale from instituting another action, if they once admitted, that one of their officers was liable in any court of law to an action, civil or criminal, for performing his duty to them. He apprehended that such would be the natural consequence, unless they took notice of the present proceeding. Had they any privileges? Were they the judges of those privileges? Those were the questions. Had they any privileges? His noble friend (Viscount Mahon) said, that in times gone by their privileges had been abused. That might be, but that was not the question here. Had they any privileges, and if they had, who were the judges of them? His noble friend admitted one certain privilege, the privilege of publishing for the use of the members of the House; that was a great concession for his noble friend to make. Who, then, were to be the judges of the exercise of that very privilege? He took the concession that they possessed the privilege; who were to judge of its exercise? He presumed that his noble friend would admit, that if the privilege was to be available to the House, the

House must judge of its exercise. He assumed, that this was the only privilege they possessed. Of what avail would it be, unless the House were exclusive judges of the proper use? Suppose the Queen's Bench should say, that they had improperly exercised this privilege which his noble friend admitted they possessed, what course would the House take? Suppose they should proceed by resolution to declare that the House had the privilege and that they themselves were the exclusive judges of their privileges. These resolutions would be condemned as impious and heretical, and some one might declare, that he did absolutely abhor, detest, and abjure the impious doctrine that a resolution of the House of Commons can contravene the law of the land. That disclaimer was equally applicable to the resolution enforcing the privilege which his noble friend admitted they did possess, as to the resolution on the privilege of publication. There were no means of enforcing any privilege except by resolution. If the Queen's Bench should disregard their resolution by giving damages against them, how were they to proceed except by committing the sheriff or other ministerial officer? His noble friend said, that they had added the power of sale to their old privilege. He was ready to admit, that the use of the power of sale had raised some prejudice against them in the public mind. He thought, that it was difficult to persuade the public, that there was not a material distinction between the two kinds of publication. It might be a question of policy whether they should adhere to the sale, but it could be a question of policy only, and did not enter into the present discussion. Observe, the Queen's Bench had determined that, as far as legal considerations were involved, the question of sale did not arise. It might be said by his noble friend, that it was desirable to revert to the state of things which formerly existed—to revert to the same state as they were in seven or eight years ago. If they did this to-morrow, how would it affect them with respect to the case of Stockdale? He presumed, that the court of Queen's Bench lived in a higher atmosphere—that it was above being affected by any prejudice which might exist in the public mind—and that it would determine the question as one of principle; and it was not clear that the court would enter upon its consideration, not as to whether they thought the House had acted unwisely, but as lawyers—so that if they gave up the sale, it would not be admitted that the Queen's Bench had no right to question their privilege. And what was the present publication? It consisted of inquiries into the state of gaols. It was proposed to introduce some new regulation to cure the abuses existing in prisons. As an instance of these abuses, it was stated that the prisoners were in possession of publications which, pretending to be scientific, were calculated to injure the minds of the prisoners. If this were true, was it not a material fact? His noble friend, said, that they might make a publication of the fact for their own use. Had his noble friend considered the difficulty of confining it to their own use; had he considered the difficulty of not communicating it to their constituents? If a member in possession of such papers should in any manner communicate their contents to any other person, the question would immediately arise; if the Court of Queen's Bench should determine that the member had been a little too free in the use of his papers, even by communicating them to a constituent, the very question which they had now to consider would then arise. Therefore, his noble friend's doctrine that the House might publish the papers for their own use, unless he would also admit, that the House were to be exclusive judges of the exercise of their own privileges, would be of no avail. If he admitted the question of a conflicting jurisdiction, the present question would arise. Therefore, if they felt that they had inadvertently committed themselves by their proceedings, if they felt that upon the whole it would be the wisest course to recede, however painful it might be, they ought to withdraw from a justification of their own proceedings. But he (Sir R. Peel) firmly believed, that this privilege of publication was essential to the House in order to enable it to perform its duties. He did not conceive, that they could act as a House of Commons unless they had the power of publishing; not only for their own use, but for the information of the public, what they considered necessary. He had discussed the subject in the belief that to the House of Commons the power of publication was necessary. For instance, they had the power of addressing the Crown for the removal of a judge. They might be called upon to decide a question which the House of Commons had been called upon in former times to decide, the succession to the Crown. How could they address the Crown for a removal of a judge for miscon-

duct, without first satisfying the public mind that their decision upon such conduct was correct? Could it be possible for the House of Commons to set aside the claims of a Duke of York, without convincing the public mind that danger existed if he should ascend the Throne? There were, therefore, many questions of legislation on which it was essential that the public mind should be informed, as well as the members of that House, and he must maintain, that the power of publication was necessary for them as a House of Commons. Then it had been distinctly admitted by the judges that whatever functions were necessary for the House of Commons in the performance of its duty the House of Commons did possess. He believed, that the privilege of publication was necessary to enable the House of Commons to discharge its duties, and as at present advised, he was ready to take the step which the noble lord opposed. At the same time he was quite aware of the imperfection of the power which they possessed. He was aware that their power was perfect only whilst Parliament was sitting. Here was an instance of the imperfection. Mr. Stockdale waited till after the Parliament was up, and then instituted the present action. The natural presumption had hitherto been, that the courts of law would assist the House under such circumstances, but a case had unfortunately arisen in which the House was deprived of that assistance. When they were deprived of the assistance of the courts, they were forcibly reminded of the imperfection of the powers of the House. His hon. and learned friend, the member for Liverpool (Mr. Cresswell), had asked why they did not commit the judges? There were professional and technical matters with which he was unacquainted, but it might be improper to commit the judge, and the proper course was to commit the ministerial officer. They should strive, as far as they could, to prevent the recovery of these damages, and he thought, also, that the analogy which had been drawn with respect to the courts of law was in some respects supported by the view which he had taken upon the subject. He would ask the House to suppose a case. Let them suppose that the Court of Queen's Bench should persevere in issuing a process in opposition to an injunction of the Court of Chancery. This would be a case of conflicting jurisdictions which the law could not foresee, and what would be the course to be pursued by the Court of Chancery? Would they commit the judges of the Court of Queen's Bench? He thought that they would not, but that they would direct their offensive proceedings against the officer of that court. He was always ready to admit, that the efficacy of proceedings of the kind now necessary to be taken, consisted in unanimity, or rather in the prevailing and general determination of the House to enforce its privileges. With regard to the measures which must be taken to rescue parliament from its present position, he was not prepared to give any opinion on that point. That something must be done he fully believed, and he was convinced, that there must be some arrangement made with respect to the insufficiency of their powers in reference to the courts of law, because it was perfectly evident, that during the recess, when the House was not sitting, those powers were incomplete. He would not give any opinion as to the course which was proper to be pursued, but he would point out, that the sheriff had expected that they would endeavour to maintain their own privileges, and had given them an opportunity of interfering—that he had believed, that they possessed strong feelings on this point, and that they would, therefore, interpose their authority in reference to the subject. They were bound then to assist that officer as far as they could; and admitting, as he did, that their powers were incomplete, he yet hoped that they would exercise them to the fullest extent, and he should most sincerely regret any interruption which might have the effect of thwarting them in the object which they had in view. Whatever might be the result of this case, however, he must express his firm belief, that the privilege of free publication was essential to the performance of their duties as a deliberative assembly, and as one of the branches of the constitution of this country.

On a division the numbers were:—Ayes 286; Noes 167; majority 119.

On the resolution that the sheriffs be called to the bar, Mr. F. Kelly moved as an amendment, that they be ordered to bring with them all writs, rules, and other authorities, under which they might have acted.

Motion as amended agreed to.

JANUARY 20, 1840.

The Order of the Day for taking the petition of Messrs. Hansard into further consideration, having been read, and a petition from the plaintiff, John Joseph Stockdale, who was then in the custody of the sergeant-at-arms, having been presented, read, and ordered to be printed; Lord John Russell moved a resolution to the effect, that the amount of the levy (£640) being then in the hands of the sheriff of Middlesex, he be ordered to refund that amount forthwith to the Messrs. Hansard.

SIR ROBERT PEEL said, he thought it would be conceded to him, that if he adhered to the opinions heretofore given by him; or rather, if he persisted in the course which, up to that hour, the House of Commons had taken, he could have no motive whatever but a conscientious one. There was no particular claim upon him, on the part of the present House of Commons, if he looked to the mere merits of the existing institution, that should induce him to come forward in its defence. That House had reposed no confidence in him, and it therefore had no claim upon him, except that which was imposed by a conscientious sense of duty. If mere party considerations could influence him, he would have ranged himself with those with whom he had uniformly acted, rather than with a party with whom he had a temporary, but very short agreement, and whom he should, with perfect cordiality, in the very next week, vote to be utterly unworthy of his and the public confidence. He said, therefore, that if he did deviate from the course which the majority of his hon. friends were inclined to take, it could be from nothing but a sense of that duty which he owed to his country. He would not say, indeed, that there was any deviation on his part; on the contrary, he considered that it was an adherence to the principles of those with whom he uniformly acted. Last session a case exactly parallel occurred—the memorable case of Polack. When Polack gave notice that he meant to bring an action against Mr. Hansard, the House resolved, by the greatest majority he ever remembered in this House—a majority of 120 to 4—that Mr. Hansard should not plead. Yet the House considered Polack guilty of a breach of privilege. Therefore he was acting, not only in conformity with his own opinion, but likewise in conformity with what he had a right to presume was the almost unanimous opinion of the House of Commons. He would state to the House the grounds upon which he had arrived at his opinion, and with the utmost admiration for the ingenuity of the arguments which had been brought forward in this debate, in order to show the difficulties with which they were surrounded, and the imperfection of their powers, yet, let him be permitted to say, that throughout the whole of that exhibition of ingenuity, he had not met with one practical position. Now, he would endeavour to state what the position of the House was, and what were its powers. They should hear from him nothing of technicalities. He would, in the plainest and simplest manner, in the plainest and simplest terms, for the sake of giving them every advantage and defence against sophistry, state the grounds of the opinion he had come to. He invited them to consider—to minutely examine that opinion, and the grounds upon which he had formed it; and, if by practical arguments they could remove his doubts, and effect his conviction, they should have his vote. Sir (continued the right hon. baronet), I maintain, in the first instance, this position—that whatever privilege is necessary for the proper and effectual discharge of the functions of the House of Commons, that privilege the House of Commons possesses. My second position, Sir, is this—and it is in strict logical sequence—that this particular privilege of free publication, not liable to be questioned in any court of law, is absolutely necessary. That is my second position. My third position is this: We have no security for the proper and effectual exercise of that special privilege, unless we are enabled by our own declared power to vindicate it. Sir, I rejoice that an opportunity has been afforded for most maturely considering this question—I rejoice for the sake of proving that we are not influenced by factious motives—that we are sincerely desirous of opportunity for mature reflection, that this interval has been suffered to elapse. Sir, I have spent that interval, not in endeavouring to fortify and confirm my previous opinion by reading over the authorities of those who have struggled on behalf of the privileges of the House of Commons; but I have passed it reading over those eminent judicial authorities which are in favour of the opposite position—I mean the judg-

ments of those learned persons who decided the case in the Court of Queen's Bench ; and, Sir, I must say, that I have retired from the careful perusal of those important documents, with the full and perfect conviction that the powers and authorities claimed by the judges are inconsistent with the privileges of this House ; and that the judgment they come to is at variance with their own principle. I refer you to my Lord Denman's judgment itself for proof of that assertion, for he admits most clearly and distinctly the position for which I contend—that, if this privilege be necessary for the proper performance of our functions, then we possess it. Lord Denman says, "That parliament enjoys privileges of the most important character, no person capable of the least reflection can doubt for a moment. Some are common to both Houses, some peculiar to each ; all are essential to the discharge of their functions. If they were not the fruit of deliberation in *Aula Regia*, they rest on the stronger ground of a necessity, which became apparent, at least as soon as the two Houses took their present position in the state."

He says further, "The Commons of England are not invested with more of power and dignity by their legislative character, than by that which they bear as the grand inquest of the nation. All the privileges that can be required for the energetic discharge of the duties inherent in that high trust, are conceded without a murmur or a doubt. We freely admit them in all their extent and variety."

He likewise says—"The proof of this privilege was grounded on three principles ; necessity, practice, universal acquiescence. If the necessity can be made out, no more need be said ; it is the foundation of every privilege of parliament, and justifies all that it requires."

Now, therefore, he (Sir Robert Peel) anticipated no answer to his first position, because he had the distinct admission of that which he must consider as a hostile and disinterested authority, that if the privilege be necessary, that House possessed it. He agreed with Lord Denman that they could prove no prescription. But Lord Denman himself had admitted that on the very same ground on which they claimed this privilege of free publication, rested also the privilege even of freedom of debate. He therefore said, that free discussion within those walls rested upon the acknowledged necessity of such a privilege, and upon nothing else. He was not certain that if they were compelled to abandon the privilege of free publication, they had any security for the continuance of the privilege of free debate. Lord Denman also had said, that the privilege of free debate had been denied when members began to speak their minds. Lord Denman says, "Thus the privilege of having their debates unquestioned, though denied when the members began to speak their minds in the time of Queen Elizabeth, and punished in its exercise both by that Princess and her two successors, was soon clearly perceived to be indispensable, and universally acknowledged."

Then he had no prescription to plead in favour of free debate—Queen Elizabeth had denied it—James had denied it—Charles had denied it—but the privilege of publication rested upon the same indisputable ground of necessity, acknowledged by the judges to prove the existence of the privilege of free speaking. Now, there was no power possessed by the Court of Queen's Bench in this respect, that was not only possessed by every manor court, and borough court, and hundred court ; therefore it followed that that privilege of free publication, if they were not able to maintain it themselves, was liable to be questioned, not only by those high and eminent legal authorities, for whom he had unfeignedly the highest respect, and concerning whom not one expression of his should be inconsistent with the most perfect reverence. His object was to show, that the privilege of free discussion rested upon the same foundation as that of free publication—namely, acknowledged necessity. He wished to show also, that that privilege of free debate had been questioned, not only by sovereigns in the exercise of arbitrary and despotic powers, but also that the Court of King's Bench itself had in other times denied, not only the right of free publication, but also the right of free debate. He would prove that there was a time when the judges of the Court of King's Bench solemnly denied the House of Commons that privilege. The case occurred in the year 1628, when the Court of King's Bench, and the Court of Star Chamber, both declared that they were perfectly competent to take cognizance, after the prorogation of parliament, of speeches made by members during its sitting, and they imposed fines of £2,000 and £3,000 on members

for speaking their sentiments of the ministers of state. In the year 1640, the House of Commons, twelve years afterwards, protested against that decision; and in the year 1657, the Houses of Lords and Commons, not by law, but by resolution, determined that the decision of the Court of Queen's Bench was illegal. The resolution of the Lords and Commons was, that the judgment given in the Court of Queen's Bench was an illegal judgment, and against the freedom and privilege of debate. They relied on an act of parliament which passed in the reign of Henry VIII., commonly called the "Act concerning Stroud;" but the judges said that was a private act of parliament relating to Stroud alone, and refused to take cognizance of it, and decided that they were perfectly cognizable of the acts of members charged with no other offence than speaking too freely in parliament: therefore, the privilege of freedom of debate did not rest on judicial authority. Charles I. also expressly denied the privilege to exist. On the point of the privilege being necessary, he might rely without further citation of authority. Then, was the privilege of free publication necessary? Was it necessary for what Lord Denman called the "energetic" discharge of their duties? What was the nature and character of their duties? What were the universal doctrines held with respect to them? Not that they were bound implicitly to obey the commands of their constituents; but what constitutional writer ever doubted that there ought to be a general sympathy between the constituent body and the representative? Could they hope that in these times the mere unexplained votes which they gave would meet with unquestioned acquiescence? Was it not important that the public mind should be enlightened by their acts? What was the meaning of the right of petitioning? Was it meant, that they who should have that right should be utterly ignorant of what they petitioned about? Was it right that they should have imposed on them the obligation of petitions coming from vast bodies of men in utter ignorance of the main facts about which they petitioned? What great legislative act that had been passed by parliament for the last fifty years, had not been passed mainly from the influence of public opinion bearing upon the House of Commons? Take the abolition of slavery. Did they believe that slavery ever could have been abolished unless they had published to the world the evidence of the abuses and horrors of slavery? He would also ask this question, in connection with another of their functions; would they have succeeded in persuading the people of England to pay twenty millions of money for the abolition of slavery, unless they had imbued the public mind with the deep and perfect conviction that such were its abuses—such its unjustifiable character—that a moral stigma and degradation would attach to the nation unless it were put an end to? Could it be asserted as the shadow of an argument, that they had a right to impose a pecuniary burden of twenty millions, and yet be unable to say, "We will tell you the grounds and reasons for this imposition?" Would they answer him that? As it was, the twenty millions had been called for, and the people were convinced that, great as were the financial embarrassments of the nation, it was for the honour and glory of England that the sacrifice should be made. Could they have hoped that their call for this sum would have been willingly and cheerfully responded to and obeyed—that you would have carried with you public opinion, and made the impression you wished upon foreign nations—if the people had been allowed to believe, as it had been industriously striven that they should, that the condition of a slave in the West Indies was preferable to that of a labourer in England? The noble lord, the member for Northumberland, had referred to the slave trade, but he would cite a still stronger case than that instanced by the noble lord, and he would then ask, whether the slave trade would have been abolished if the public mind had not been correctly informed on the subject? Evidence was taken before the privy council on the subject, and was published to the world in 1788. In 1789, when Mr. Wilberforce brought forward the question, he had to struggle with the impression that had been produced by that evidence upon the public mind favourable to the system. He asked for a committee to remove the impression that the delegates had made. He would read to them the evidence which had been given, and the evidence which had been given to rebut it. Mr. Norris, one of the Liverpool delegates, had given this account of the middle passage:—"The apartments of the slaves were fitted up for their accommodation as much as circumstances would allow. The right ankle of one was connected by a small

manacle to the left of another; and, if they were turbulent, they were also confined by irons to their wrists. They had several meals a day of all the luxuries that Africa provided, with African sauces, and another meal of pulse; after breakfast they had water to wash themselves with, while their apartments were perfumed with frankincense and lime-juice. Before dinner they were amused, singing and dancing were promoted, and games of chance were furnished them."

Mr. Wilberforce felt what would be the effect of these false statements of the facts of the case, and felt that, until the impression made by these statements was removed, the continuance of the slave trade would be inevitable, for it would be supported by public opinion. He invoked the assistance of the House of Commons first to remove the film from the public mind by hearing counter-evidence; and in that counter-examination it appeared, that the meal of pulse, of which Mr. Norris spoke, was a meal of horse beans. "'The song and the dance,' said Mr. Norris, are promoted.' Mr. Wilberforce said, it would have been more fair if he had explained in what way they were promoted. The truth was, that, for the sake of exercise, these miserable wretches, loaded with chains, and oppressed with disease, were forced to dance by the terror of the lash, and sometimes by the actual use of it. 'I,' said one of the evidences, 'was employed to dance the men, while another danced the women.' What, then, was the meaning of the word 'promoted?' And it might be said with respect to the African sauces being provided, and all the delicacies of African luxury, that it was proved in evidence that an instrument was sometimes carried out in order to force the slaves to eat. That was evidence how much they enjoyed themselves. As to their singing, what should they say when told that their songs were those of lamentation on departing from their native land, and that while singing, they were always in tears, so much so, that one of the captains threatened one woman with a flogging, because her song was too painful for his feelings!"

Such was the counter-evidence that had been produced; and could it be said, that every slave-captain whose cruelties had been denounced, would have had a right to take proceedings in every court of quarter-sessions in the kingdom against the House of Commons? Then, again, with respect to abuses in India. Did the House believe, that Warren Hastings would have been impeached—that the abuses in that part of our possessions would have been controlled, had it not been for the publication of evidence? What would have been said if, when Mr. Dundas, before the memorable impeachment of Warren Hastings, brought his folio volumes before the House, and moved for the appointment of the Indian committee, if the doctrine had been maintained: "No abuse relating to India must be brought forward, because every person concerned or implicated would have his right of bringing an action of libel, and that he had as much right of bringing his action against the printer of this House as against any other individual?" Again, did the House believe, with respect to the proceedings in the case of the Duke of York, that the people and the military would have acquiesced in the temporary suspension of a favourite commander-in-chief, and a Prince of the blood royal, if it had rested upon the mere declaration to them, "We petition for the removal of this illustrious individual, and yet we cannot tell you the reasons for our proceeding?" It appeared to him, that it would be a suspension of all their powers and functions as a legislative assembly, unless they were to retain this important and indispensable privilege. There was no one question of great public importance, which, as far as he recollected, had not been carried in the first instance by the free publication of the proceedings of parliament. Free publication tended not merely to increase the facilities of effecting great democratic changes, but might often be absolutely necessary to enable those who were adverse to such changes being made precipitately, to gain that influence upon the public mind which was favourable to their views, and to be obtained only by the diffusion of correct information. Therefore upon the second point—that the privilege of free publication was necessary for the proper discharge of the functions belonging to the House of Commons—whether he looked simply to the act of legislation, or to the power of the House to inquire into the conduct of the trustees of official authority, or to the grant of immense sums of the public money for the purpose of wiping out a blot upon the national honour, he could not conceive how a legislative act of great importance could be passed—nor how the conduct of an official authority could be inquired into—nor how the public could be reconciled to

the payment of enormous sums of money, unless the House were enabled, and enabled at its own discretion, to enlighten the public mind without the fear that its officers should be punished. He therefore came to the conclusion upon this second point, that the privilege of free discussion was necessary for the "energetic discharge of their duties." He now came to the third point: Had they sufficient security for the proper exercise of that privilege and the continuance of it, unless they could vindicate it by their own laws? Here again he referred in the first instance, not to the opinions of the House upon the point, but to the opinion of the judges; and he found, that the judges admitted, that the House of Commons had the privilege of publishing for the use of its own friends. That privilege was conceded to them. He found too, that the hon. friend who spoke last was disposed to contend for the existence of this amount of privilege. Let him ask, then, how was the House to maintain it? The judges admitted, that they had the privilege of publishing for the use of their own friends. On what security did that privilege stand? Supposing the judges questioned it? Should the House plead? If they pleaded and were overruled, were they to submit? If they did not submit, what should they do? When were they to interfere? When were they to take steps to maintain it? Here was an acknowledgment of privilege to a certain extent: suppose it were questioned? Suppose it to be brought under the cognizance of one of the courts of law? the judge admitting the privilege to a certain extent might still impose a limit upon it: he might say, "Here is a publication which the House of Commons is privileged to print, but at the time that it was ordered to be printed, or during the time that the matter to which it relates was discussed, all the members of the House were not present; many of them even were not in town; therefore I really do not see the necessity for printing 658 copies. I think, that the number of copies ordered to be printed ought to be restricted to the number of members who actually attended." Suppose again, the judge or judges were to say, "It is very true, that the Scotch judges are in the habit of taking home a large number of papers to consider at their leisure; we will concede to you, the members of the House of Commons, who have been constant in your attendance, the same right; but we doubt the propriety of extending it to those members who are absent from town." Supposing such a ground to be taken, what were the House of Commons to do? Should they acquiesce? Should they say, "The law is supreme—privilege shall not be opposed to law?" They might say that on precisely the same ground as that upon which they were now called upon to acquiesce in the amendment of the hon. and learned gentleman. The question was whether the privilege of the House of Commons was a part of the law of the land? It was conceded that the privilege of the House was a part of the law; but then it was said, that the judges were the only interpreters of it. No resolution of the House, it was said, could contravene the law of the land. But he was assuming the case of a privilege which the House actually possessed being attacked by a court of justice, and in such a case he inquired, "How is the House to proceed to vindicate its privilege?" Should they acquiesce in the decision of the court of law; or, feeling the necessity of resistance, should they determine to oppose it. If they determined to resist, could they do so in any other mode than that which they had adopted in the present instance? They first of all presumed that the court of law would be in their favour; therefore they pleaded; subsequently, finding that the court was adverse to them, they determined in the second instance not to plead. Discovering in the end that the court was still against them, the question was whether they were tamely to acquiesce in a decision which would be fatal to a privilege which other judges had admitted; or whether, in the last resort, they should come forward and say, not that they would increase a power that could in any sense be deemed unnecessary, but that they would omit no opportunity of marking their sense of a privilege which they were admitted to possess in their own inherent right, and that they would not fail to exhaust every method of defending and maintaining it? For his own part, he thought that the latter was the only proper and becoming course for the House to pursue. Because, even if they should ultimately fail, and be called upon to consider other alternatives, they would then at least stand in this less humiliating position—that they had not tamely submitted nor lightly abandoned a privilege which they felt to be essential to the proper discharge of their functions as a legislative body. No, the duty of the House was to fight the battle to the last;



and then, if they were ultimately overcome, they could appeal with a good grace to the authority of the state for that permanent protection which the law as it now stood would not afford them. He could not conceive what other course the House could pursue in a case where one of its undoubted privileges was assailed. But supposing that they were to recede upon that occasion—supposing that they were to acquiesce in the decision of the Court of Queen's Bench, he could not convince himself that, by such acquiescence, they would get themselves out of the difficulty. He took the position of the highly respectable judicial authorities who had decided against the House in the present instance; and he found that while they admitted that the House had the privilege of publication for the use of its own members, they still fettered the exercise of that right with such restrictions as would inevitably tend to bring the House in conflict with the courts of law. Upon this point he wished the House to remember that the question of the sale of parliamentary papers was entirely beside the subject. He begged hon. members not to allow their minds to be influenced by any consideration of that question in connection with the point he was bringing under their notice. He prayed them not to be guided in their decision by any sort of prejudice on account of their being sellers of books. That was a question still open to discussion, and he reserved to himself the right of hereafter determining whether, in prudence and policy, it might not be well for the House to rescind the order authorizing the sale of papers. That, however, was a question entirely independent of the point now under consideration; and he would quote high authorities to show that it was so. Lord Denman says: "In the first place I would observe that the act of selling does not give the plaintiff any additional ground of action or redress at law beyond the act of publishing. The injury is precisely the same in its nature, whether the publication be for money or not, though it may be much more extensively injurious when scattered over the land for profit."

So that the House would not advance one single step in point of law if they were that night to resolve that the order authorizing the sale of papers should be rescinded. He was perfectly ready to admit that, by rescinding the order, they would remove some unfavourable impressions in the public mind as to the right of sale; but they were now in collision with a court of law, and he was showing, upon the authority of Lord Denman, that that collision could not be avoided, even if the order authorizing the sale of papers were at once rescinded. As he had already stated, the judges admitted that they had the right of publication for the use of their own members. Now, if that meant any thing at all, it meant that a publication made for their own use was a privileged publication. It could have no other meaning. But were they to acquiesce in the construction which the judges had put upon the law? If they did so, he thought they would at once be involved in enormous difficulties. Take, again, the instance of the £20,000,000 voted for the emancipation of the negroes, and suppose this case:—He, as a member of the House of Commons, was in possession of all the papers relating to that matter. He had the despatch of Mr. Huskisson relating to the cruelties practised upon female slaves—he had all the evidence which had operated to remove from the public mind the prejudices that had previously existed in favour of slavery—he was in possession of all the facts which had brought the House properly to appreciate the horrors of slavery, and determined them to pass a law for its abolition. He had voted for the grant of £20,000,000, by which the emancipation of the slaves was accompanied. He returned to his constituents, and was questioned by them as to the voting of so large a sum of the public money. According to the construction put upon the law by the judges in the present instance, he, under such circumstances, though he was permitted to possess the evidence himself, would have no right to make it known to his constituents in order to justify his vote, or to explain the grounds upon which he had assented to so large an expenditure of the public money. Questioned upon the hustings by his constituents—having the volume of evidence in his hands—himself possessed of all the facts which induced him to regard the horrors of slavery as an intolerable evil, and a blot upon the honour of the nation—still, according to the construction of the judges, he was not at liberty to refer to one single page of the privileged volume, nor to adduce from its contents one single fact to explain his vote, and satisfy the minds of his constituents. For it was expressly laid down, apparently by the concurrent authority of all the judges of the court, that he, though possessed of these papers for his own use, was

not entitled to disclose one title of their contents to any other person. Mr. Justice Littledale says—"It is said that it is proper that the members of the House should have the right to send copies of all the parliamentary papers to their constituents, to justify themselves in case their constituents should find any fault with their conduct in parliament. If the member whose conduct is blamed by his constituents wishes to vindicate his conduct, he may send what parliamentary papers he pleases, provided they do not contain any criminatory matter of individuals."

Observe, that restriction involved the whole case. The decision of the court did not turn upon the point that he (Sir R. Peel), as a member of the House of Commons, had no right to instruct Mr. Hansard to publish certain papers; but the judges expressly declared it to be their opinion, that the publication which he possessed as a member of the House, was privileged only for his own use, and that he had no right to send it to his constituents to justify his conduct, unless it happened to contain no matter criminatory of individuals—a privilege hardly worth contending for. Mr. Justice Littledale continued his judgment in these terms:—"I think it can never be considered as justifiable in a member of parliament to publish defamatory matter of other persons to justify his own conduct in parliament."

Then he could not publish any matter of accusation that might be made in the course of a parliamentary inquiry against a public officer. He (Sir R. Peel) as a member of parliament had power to address the Crown for the removal of a judge who might be a most popular man, and of very commanding influence in the country.

He might exercise his privilege of petitioning the Crown for the removal of such a man, but he was not at liberty to say a word as to the grounds upon which he did so, lest he should disclose defamatory matter against him. Mr. Justice Patteson entertained precisely the same view; but he would refer again for a moment to the opinion of Mr. Justice Littledale, who said:—"The privileges of parliament appear to me to be confined to the walls of parliament for what is necessary for the transaction of the business there, to protect individual members, so as that they may always be able to attend their duties, and to punish persons who are guilty of contempts to the House, or against the orders and proceedings or other matters relating to the House, or to individual members in discharge of their duties to the House, and to such other matters and things as are necessary to carry on their parliamentary functions, and to print documents for the use of the members. But a publication sent out to the world, though founded on and in pursuance of an order of the House, in my opinion become separated from the House; it is no longer any matter of the House, but of the agents they employ to distribute the papers; their agents are not the House, but in my opinion they are individuals acting on their own responsibility, or other publishers of papers."

What a mockery was this! The Speaker, in the exercise of an admitted privilege, ordered Mr. Hansard to do a certain act, which could only be done out of the walls of parliament, and the moment that Mr. Hansard set to work to execute that order, the privilege of the House was lost, and its agent liable to be punished by a court of law. If that were so—if that were the conflict in which they were next to be engaged, it was plain that they would very shortly be involved in a situation of as much difficulty as that in which they now stood. Was it fitting, then, that they should acquiesce in the construction which the judges had put upon the law? Mr. Justice Patteson went, he thought, one step further either than Lord Denman or Mr. Justice Littledale. Mr. Justice Patteson said:—"It is said, that if papers, however defamatory, must needs be printed for the use of the members, as it is plain they must, and the point is not disputed, their further circulation cannot be avoided; for what is to be done with the copies upon a dissolution of parliament, or upon the death or retirement of a member? The answer is obvious: the copy of such defamatory matter ought to be destroyed, as it can no longer be used for the purpose for which it was intended; or at all events it must not be communicated to others."

Now he would take the case of the last Speaker of the House, Lord Dunfermline, who had probably retired with a large mass of parliamentary papers; if Lord Dunfermline made use of any one of those papers he would be liable to an action of libel. Lord Dunfermline's papers—the papers which had accumulated on his hands while he was Speaker of the House of Commons, were now no longer privileged; they lost their character of privilege as soon as the noble lord ceased to be a member of the

House of Commons. And Lord Dunfermline would be responsible, not only to the Court of Queen's Bench, but to any court of quarter-sessions in the kingdom, if he presumed to make use of any one of those papers. Suppose, again, that a member of the House should die possessed of a great number of these papers. Suppose, for instance, that he should leave behind him the whole of the parliamentary papers upon the subject of the foreign slave trade, in which his hon. friend the member for the University of Oxford took a warm interest. Those papers were full of libels upon individuals—libels upon persons in this country—libels upon foreigners. Now, if after the death of the member, these papers should obtain any kind of circulation, or should simply pass from the deceased member's library into the possession of any other person not a member of the House, he (Sir R. Peel) apprehended that, according to the construction put upon the law by the judges, any foreigner whose conduct was reflected upon in any part of these papers would have a right to bring an action for libel, and to recover damages. What was to become of the bookseller who should happen to sell any of these papers? The moment that the member died, the papers ceased to be privileged—who then would dare to touch them? No man could presume to do so; no man could take them to himself; or, at all events, no man could undertake to sell them without rendering himself liable to an action. Mr. Justice Patteson further said, “Whether any individual member might or might not be justified in communicating to some person out of the House defamatory matter printed for the use of the House, I cannot pretend to say. Probably, upon any such question arising, the decision will be with a jury.”

Therefore he contended, that if the House were to acquiesce in the decision of the court, that the publication for the use of members was privileged; but that the use of the publication by members for the information of their constituents, subjected them to an action of libel; if the House acquiesced in that decision, he (Sir R. Peel) maintained that the functions of the House of Commons, as a branch of the legislature, would be paralysed; they would at once become unfitted for the due discharge of their duties as the representatives of the people and the framers of laws, unless indeed they were to act upon ignorant first impressions, instead of upon those sound opinions which resulted from inquiry and the dissemination of correct information. He came now to a part of the question upon which much ridicule had been thrown—namely, that the House of Commons was the judge of its own privilege. Upon that point he should refer not to the authority of members of the House itself, although he might quote the opinions of many of great eminence, but to the dicta of the highest judicial authorities, who at different times had been called upon to deal with the question as it arose in the courts of law. He would show that the doctrine, that the House was the judge of its own privilege, much as it was now sneered at, was a doctrine that had received the sanction of the highest judicial authorities in the land. The Attorney-general, in his very able speech, had referred to many of those learned and eminent authorities, but with the permission of the House, he (Sir R. Peel) would refer to a few more. Mr. Justice Wright held this doctrine:—“The House of Commons is undoubtedly a high court; and it is agreed on all hands, that they have the power to judge of their own privileges.”

In Murray's case, a writ of *Habeas Corpus* was applied for to bail a person committed for contempt by the House of Commons, and refused,—Mr. Justice Wright observing, that it never could have been the intent of the *Habeas Corpus* Act to give a judge in the court power to judge of the privileges of the House of Commons. Mr. Justice Dennison held precisely the same doctrine. Both those learned judges expressly admitted not only that the House had power to commit for contempt, but that it was the judge of its own privileges. What did these learned judges mean when they made that admission? And how could their opinion upon these points be made to correspond with the doctrine now laid down—that the House of Commons upon this matter of privilege must submit to the superior authority of the courts of law? Chief Justice De Grey held that the law of parliament was the law of the land. “When the House of Commons,” said he, “adjudge any thing to be a contempt or a breach of privilege, their adjudication is a conviction. This court cannot take cognizance of a commitment by the House of Commons, because it cannot judge by the same law; for the law by which the Commons judge of their privi-

leges is unknown to us. Courts of Justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen*."

Mr. Justice Gould concurred in the opinion expressed by the chief justice. Mr. Justice Blackstone also held, that the House of Commons was the only judge of its own privileges. In Crosby's case, Mr. Justice Blackstone said, that—"Holt differed from the other judges on the point of the House of Commons being the only judge of its own privileges, but that the courts must be governed by the eleven, and not by the single one."

It was, perhaps, unnecessary to detain the House by referring to other authorities. It was enough to state, that the doctrine that the House was the only judge of its own privileges, absurd and ridiculous as it was now held to be, was a doctrine which in the best times of legal and judicial learning had received the sanction of the highest judicial authorities. He must say further, that fortified by such authorities, he could not consent lightly to abandon a privilege which he believed in his conscience they properly and rightfully possessed—which he believed to be essential to the maintenance of their usefulness, and which he could not hold to be secure if every court, from the Queen's Bench down to the lowest tribunal, civil or criminal, in the country, could entertain an action for libel brought against an officer who had only obeyed the order of the House. The judges in the present instance said, that the Speaker of the House of Commons was free from question, and that a court of law would not interfere with him. He asked why they did not interfere? Upon what statute was the Speaker's indemnity founded? Was not the Speaker's right, the Speaker's privilege, as much interfered with if the poor instrument employed to execute his order, in the performance of that duty, were liable to be dragged into court, and to be ruined by actions at law? Was not the Speaker's right, or the Speaker's privilege, as much interfered with by such a proceeding as if the effort were made to bring him into court himself? Whilst such a state of things was allowed to continue, it was a mere pretence to say that the Speaker's right was respected—an idle mockery to contend, that the Speaker's authority was not wholly disregarded. I do not conceal from myself, said the right hon. baronet in conclusion, the fact that we have great difficulties to contend with. It is with pain I come to the determination of entering into a contest with the courts of law. You may tell me, that there are processes by which the payment of the money may be ultimately enforced in the courts. I admit the strength of the reasoning, and the authority conveyed by the experience of those who urge such a view, but this I say, with a perfectly safe conscience, that every instrument which the ordinary principles of the constitution sanction, an overpowering sense of duty urges me to use, before I seek for the solution of our present difficulties in the surrender of our privileges. An attempt to remedy this evil by legislation may be made only when the other means within our power are exhausted. I have heard it said, that the House of Commons has not that influence on the public mind that it once had, and that we look in vain for the sympathy of the public in our attempt to vindicate our privileges. That may be. The prediction so confidently made, that the great measure for altering the constitution of this House would conciliate public opinion, may be unfounded. I was no party to that change. I confess I expected its failure. It may be, that we are inferior to the great men who have sat within these walls in former periods. But I say, if by our inferiority, and degeneracy, we have prejudiced the character of the House, and diminished its influence with the public, we ought not to make that a reason for depriving it of that essential power which inheres in so noble an institution. Whatever may be our inferiority, we should feel we are but the tenants of a day—the fleeting occupants of the noble fabric, and the very circumstances of our tenure form additional reasons why with a kind of filial reverence we should prevent, if we can, a permanent injury from being inflicted on it during our temporary occupancy. But I say more, that no public object can be gained by the mutilation of our privileges. If you can once show a chasm in the building, and can say, "there once stood the House of Commons," depend upon it the void will be filled by a combination of turbid elements, acknowledging no respect for authority, observing no reverence for prescription, usurping the powers of the other branches of the legislature, and defending the possession of those powers by means worthy of such usurpers. Sir, I shall conclude my vindication for having so long occupied the time of the House by

an extract from a speech delivered by Mr. Crewe at an early period of our history, when the liberties of the House of Commons were threatened. Mr. Crewe, in encouraging the House to preserve its privileges, said in simple but emphatic language:—"I would not have spoken about our privileges, if the thing questioned were only matter of form, and not of matter; but this is of that importance to us, that if we should yield our liberties to be but of grace, these walls that have known the holding of them these many years, would blush; and therefore we cannot, in duty to our country, but stand upon it, that our liberties and privileges are our undoubted birth-right and inheritance."

The resolutions were carried by a large majority, and the Sheriffs having declined to accede to the wishes of the House were given into the custody of the Serjeant-at-arms.

JANUARY 22, 1840.

The Order of the day having been read for the further consideration of Messrs. Hansard's petition, Lord John Russell moved, "That the attorney to the action, Thomas Burton Howard, be called in."

Sir Edward Sugden moved as an amendment, the addition of the words, "to be forthwith discharged."

SIR ROBERT PEEL assured the hon. and learned gentleman (Mr. Sergeant Talfourd) that it was not inconsistent with the sincere respect which he entertained for his character or talent, if he suggested to him that the more appropriate occasion for the speech he had just delivered, would have been on the night preceding the last, and immediately after he had made his speech. The question now being exclusively whether Thomas Howard should be called in, the hon. and learned gentleman had taken this opportunity of answering a speech which had been made on a night when he himself was present listening to the debate, and when the debate did not conclude at an hour which precluded the House from listening to any answer; but two days afterwards the hon. and learned gentleman made a speech, and inflicted on the House the painful task of listening again to him. For himself, he deemed it consistent with the principles he had ever professed, if he attempted to obtain for all the great institutions of the State the privileges which they possessed. The question here was, whether the House of Commons was entitled to a privilege which he believed to be essential to the due performance of its functions; and he believed that he was adopting the true Conservative policy if, under the impression that the claim was well-founded, he attempted to maintain those privileges. When had he shrunk from his duty when any attempt had been made by the House of Commons to encroach on the privileges of other bodies? When such attempts had been made upon the privileges of the House of Lords, or the privileges of the Crown, he had ever stood forward boldly to resist the attempts. That course he had pursued, that course he would continue, if he believed that any attempt were to be made to rob the House of Commons of any privileges to which he conscientiously believed they were entitled from long prescription, and which were required by necessity. In this case, as in the other cases, he had acted upon the same principles; he had attempted *stare super vias antiquas*; and he had attempted the vindication of the privileges of the House. It might be said that he had alleged the tyrant's plea—necessity. He had quoted the opinion of Lord Denman. Lord Denman had said, that if the privilege were necessary, it could be justified; and if he could show that this privilege were necessary for the energetic performance of their duty as a House of Commons, Lord Denman had granted that the House of Commons possessed it. He had then attempted to show, taking it for granted that what Lord Denman had stated was true, what he conceived to be strict logical deduction, first, that this privilege was essential to the energetic performance of their duty, therefore that they were in possession of it, and that they had no guarantee for its continuance, unless the House could vindicate its privilege itself; and, in taking this course, he thought that he was only giving effect to the resolutions to which the House of Commons had itself come. Was the hon. and learned gentleman aware of the resolution to which the House of Commons had come? If the House of Commons had changed their opinion, if they had altered their views, let them state it; let them rescind their resolution, but let not the hon. and learned gentleman accuse him of absurdity, if he pre-

sumed that resolutions carried by a majority of 120 to 4, and which were unaltered, continued to be the opinion of the House. On the 1st of August last, the House of Commons had had read to them the resolutions of 1837. [Mr. Sergeant Talfourd : I was not here.] That was what he complained of. Here was a great constitutional question to determine, a difficult point of law, in which the House was to come to an opinion as best it could, and till the House made an alteration in its resolutions, which embodied its opinions, he presumed that to that opinion they adhered. But the two resolutions of 1837 were read. Sir Frederick Pollock, Sir William Follett, the Attorney-general, the late Solicitor-general, indeed all the great legal authorities in the House were placed on the committee, selected to consider this great constitutional question; that committee sat to consider the question, and concurred in those resolutions. Was there one dissentient voice? There was one, for whose character he (Sir R. Peel) entertained the highest respect; but he was not a lawyer—it was his hon. and learned friend, the member for the university of Oxford. The House confirmed the resolutions by a large majority, and in 1839 it acted on the precedent of 1837. There had been ample time for revision. Why had not the hon. and learned gentleman warned them of their danger? Why, when he saw that the House could not maintain the privileges, why did he not ask them to rescind the resolutions—why did he not give them timely warning that they could not be maintained? Would it not have been a wiser course to have at that time given this warning, rather than to say, when they were called upon to adhere to the engagements which had been made, and when they were called upon to act upon their own resolutions, that they should shrink from their duties? Two years had passed, and there then came in 1839, after the House had had ample time for deliberation, and to determine upon its resolutions, a person who wrote to say that he intended to bring an action against the printer of the House of Commons for the publication of a libel. The resolutions of 1837 were read. The petition of the Messrs. Hansard was read, and the House of Commons resolved that Messrs. Hansard, in printing and publishing a certain report and minutes of evidence, acted under the orders of the House, and that “to bring, or assist in bringing, any action against them for such publication, would be a breach of the privileges of the House;” and it further resolved, “That Messrs. Hansard be directed not to answer the letter of Charles Shaw mentioned in their petition, and not to take any step towards defending the action with which they were threatened in the said letter.” The House passed these resolutions by a majority of 120 to four. He then looked at the minority. They were persons who, in their individual capacities, were entitled to every consideration; but why—after maintaining the two actions when the House was menaced by an action from Mr. Polack—why did not some legal authority join immediately in resisting the course that was proposed? How did it happen, after all that had passed—after the action had been decided against them without pleading; after, in the second action, they had pleaded and failed, when the question was what course the House should take in the third action, that the House of Commons determined that it would be a breach of privilege to institute such an action, and that they afterwards resolved that Messrs. Hansard should not plead to it? How did it happen that the four men in the minority against those resolutions were only Sir Thomas Acland, Mr. Benjamin D’Israeli, Mr. Thomas Duncombe, and Mr. Wood, the member for Middlesex? Not one legal authority in the House of Commons joined in the vote against those resolutions. He must say that he thought it rather hard that the hon. and learned gentleman should attack him, an unprofessional man, for acting as he had done, on what seemed to him to be the privileges of the House, when he had reason to believe that he had with him the almost unanimous opinion of the House, as tested by that vote. He thought that it would have been the more proper and the juster course, if the hon. and learned gentleman had attended upon that occasion, and then given the solemn warning which he had now offered. He confessed to the hon. and learned gentleman, notwithstanding the eloquence of his observations, that he differed from the hon. and learned gentleman. He confessed that the tendency of that speech did not diminish his apprehensions of the consequences which would have arisen from an immediate acquiescence in the right which was claimed by the courts of law; for the hon. and learned gentleman had censured him, not for any disrespectful allusion to the judges, but because he had in the kindest—in the most respectful, and in the

most delicate manner, ventured to give some opinion on the decision the judges had given—the kindest, the most respectful, and most delicate manner; and yet such was to be the parliamentary subserviency to the courts of law, that even in that kind and respectful, and delicate manner, the questioning of the judgment could not be permitted. What did he question? Had he not said, in the first instance, with regard to any observations he might make on the judges, that he would not be disrespectful? Did he not say, however strong were his feelings—did he not make a preliminary apology—that if he said one disrespectful word, he would regret it? Why did he refer to their judgment? To show that acquiescence, on the present occasion, would not ensure absence of collision; for although the judges had admitted that they had a right to publish their proceedings for the use of the members of the House, yet, if the members disclosed any one of the papers which was thus entrusted to them, that an action might be maintained against them. He had quoted the opinions of Mr. Justice Littledale, and of Mr. Justice Patteson; the opinion of Mr. Justice Littledale, to show that although a member might be entitled to papers, yet that he had no right to circulate any defamatory matter; and of Mr. Justice Patteson, to show that the only means left to the member to prevent an action, was to burn the papers, and he had done so, to point out the extent and the character of the claim that was made. Did he not attempt to show that if a member had voted £20,000,000 for the abolition of slavery, an action might be brought against such member if he attempted to disclose the grounds on which such grant was made? Might he not also have stated that the House of Lords were liable to action for the transmission of their own papers to the British Museum. If this doctrine were founded in law, a member would be unsafe in almost every act that he performed. Was it not legitimate to show the courts of law that the House was the exclusive judge of its own privileges, and that if the claim of jurisdiction over their privileges, which was now first brought forward, were allowed, it would not extend alone to the Court of Queen's Bench, but that every court in the kingdom that had competent jurisdiction to maintain an action for libel, had the same power as the Court of Queen's Bench? Therefore, if the law, as it was laid down by the Court of Queen's Bench were correct, every member that justified his vote of £20,000,000 for the abolition of slavery to his constituents, and who explained to them the grounds of that vote, would be liable to action or indictment, not only in the Court of Queen's Bench, but in every court of inferior jurisdiction that was competent to entertain an action or indictment. Was not that the law as it was laid down? Was not that the principle contended for by the judges? Did he not say that? Did he not say that if the Queen's Bench entertained the question, other courts might? And did not that court say, that a publication to members might be privileged, but that they were not privileged to make any communication of the contents to their constituents? They did. He got that from the hon. and learned gentleman. If that were so, then if parliament were not sitting, and a member should communicate to his constituents the evidence which led him to vote £20,000,000 for the abolition of slavery, that member, parliament not being sitting, would be liable to an action for libel in every borough court, and in every court of quarter-session in the kingdom? Did this not follow from the decision of the judges? If it did, would not the hon. and learned gentleman admit the propriety of the privilege for the right performance of the functions of the House? And, if this communication were just and proper, was not a case of necessity made out? Would the hon. and learned gentleman say, that the House of Commons, and that the members of the House of Commons could properly discharge their functions, if they were subject to this liability of prosecution? Would the hon. and learned gentleman tell him if the responsibility placed by the judges of the Court of Queen's Bench applied to the circulation of evidence? If, so, he would take the ease of Kenrick. Could not the evidence even be shown to a friend? Did the hon. and learned gentleman admit that? If he did, the hon. and learned gentleman admitted that the Chief Justice of the Court of Queen's Bench himself was liable to an action. If that class of publications were not privileged—if the papers against the Judge Kenrick were not privileged, then an action might be brought by that judge against another judge for reflection cast upon his character. Lord Denman himself moved that that evidence be printed. At that time the practice of sale did not exist, but the matter of sale did not interfere with the right, or make any difference. Did

the hon. and learned gentleman think that it was consistent with the energetic performance of his functions as a member of the House of Commons, when Lord Denman was asked by his constituents why he moved an address for the removal of a judge, if for the vindication of that motion, he would be liable in every court of quarter-sessions in the kingdom for the publication of a libel? Would not such a consequence follow from the judgment now given? Had he not, then, reason for believing that this privilege was essential to the due performance of their functions as members of the House of Commons, and that it would be an unjust interference with the performance of their duty to render them liable to any action or indictment for attempting to justify that performance to their constituents. Those were the points on which he wanted an answer. Those were the points he had never heard answered; and he must confess, with the utmost respect for the judges, when they told him that members of parliament might have the right of printing and publishing for their own use, but that they could not circulate defamatory matter without being liable to an action for libel, that if such were the law, rather than permit the authority of the House of Commons to exist upon that foundation, he for one would abdicate his functions. He for one would not submit to the performance of his public duty, if he thought that he could not justify his conduct to his constituents, without being liable to an action in every borough court and court of quarter-sessions in the kingdom. He held that that was the law as now laid down. If the hon. and learned gentleman denied it, let him show where the authorities interfered with it. If the members of that House were to incur that responsibility, if the members were told they were liable to an action, it would be impossible for them to perform their duty; and he believed, that it would be better to have no popular assembly whatsoever as a constituent part of the constitution, than to have existing a popular assembly calling itself by the name of a popular assembly, and having the semblance of a popular assembly, and yet deprived of those privileges which were necessary for the performance of its duties. The whole question, in point of fact, was whether it was the law of England that a publication made by order of the Speaker of the House of Commons, and printed under the authority of the House, and printed by the printer of the House, was a privileged communication or not? Would the hon. and learned gentleman maintain the doctrine as it was held by the judges? If not—and he must observe that he had not heard a single lawyer maintain it, although it had been maintained by his hon. friend the member for Oxford—if there was not one lawyer who upheld it—did the hon. and learned gentleman seriously believe that if the publication of papers for the use of members were privileged, that the privilege of publication as regarded others could be denied? If that were so, could he be surprised at the consequences which must follow from the opinions of the judges. And he confessed that he was unwilling to trust this or any other of their privileges to any exclusive jurisdiction, or any exclusive power. He had admitted that the conduct of the sheriffs was entitled to all praise; that they had given their evidence with great candour, but nothing could be more injurious than that, in consequence of the personal conduct of individuals, however unexceptionable it might be, they should take no steps against them. No court would have the power of discharging its duty unless it discarded the first strong impulses of humanity. But, if a consideration of humanity were a legitimate appeal, what appeal was there for Mr. Hansard? Suppose, Mr. Hansard in addressing the Chief Justice of the Court of Queen's Bench, had said "I am only a subordinate officer, exercising no discretion upon this matter, depending for my bread upon obedience to the orders of the House of Commons. I have received the orders of the Speaker of the House of Commons for what I have done; why do you strike at the mice and the small deer? There are, I will not say the wild beasts of the forest, but much higher authorities than myself; under their direction I have acted, they are responsible for the orders they have given; don't drag me, an unfortunate officer, to prison, don't make me responsible, but attack the Speaker of the House of Commons, and the House of Commons, under whose authority I acted, itself." What answer would the Lord Chief Justice have given, supposing Mr. Hansard had presented a petition, and said, "Do not make me liable, don't aneree me in money, don't imprison me in body, but attack the Speaker of the House of Commons?" Would not Mr. Hansard show by such a statement and such a petition that he was morally exempt from blame, and



that there could be no greater hardship than to amerce him in money, or to imprison him in person? But he would have been imprisoned notwithstanding. If a return had been made by the sheriffs of *nulla bona*, would not a certain writ, called a writ of *capias ad satisfaciendum*, have been immediately issued, and would not Mr. Hansard have incurred the very fate which the sheriffs have now incurred? Would not Mr. Hansard have been committed? That was what reconciled him to do an act which was most revolting to his own feelings—that was what reconciled him to the committal of an act of individual injustice, which nothing in his opinion could justify, except that it was his firm conviction that there were no other means of vindicating the House of Commons; and he assured the hon. and learned gentleman that nothing but the intimate conviction that the vindication of their own privileges by their own authority was absolutely necessary for the maintenance of those privileges, would induce him to take this step. He confessed he did feel a difficulty after taking the step which appeared to him to be necessary, and when his opinion had undergone no change, in shrinking from the use of any and every instrument which the law and the constitution had placed in his hands. He did not deny that ultimately it might be impossible to succeed, he had never denied that the powers of the House were imperfect. Had he not said, that the courts of law would, as he had assumed, have assisted the House in its privileges? But when it had been proved, that the courts took a different view, and would take from them, and not assist them in the vindication of their privileges—when he saw this, though he did not deny that their privileges and their powers under the constitution were incomplete, though he did not then deny that they might be obliged to resort ultimately to some other authority; yet, at the same time, he would not refuse to exercise any power which, as he believed, the law and the constitution gave him, and it would be a consolation to him, if they should be driven to resort to legislation, that he had not lost or compromised the exercise of any less important privilege, by shrinking from his duty, or by abandoning the use of any power which he believed the constitution of the country gave to that House.

In reply to a remark by Mr. Darby, Sir Robert Peel said, that he would at once freely enter into an explanation of his conduct, if the House would accede to him the opportunity of doing so; and he thought that when he had done so the House would agree with him that there were some certain subjects upon which it was of importance that the country should be enlightened. The hon. and learned member said that it was highly important that the country should be enlightened upon this subject. Why that was the main ground of his previous argument, and, if it was necessary that a person in his position, honoured as he was by the confidence and support of a great body of gentlemen, should declare his opinions in that House, it was still more desirable that they should be fully explained to the country at large. He was not there as the lukewarm advocate of the privileges of the House. All the vocabulary of abuse heaped upon the supporters of those privileges last night by the hon. and gallant member for Donegal made little impression on his mind; and all he asked for now was permission to exercise the privilege of explaining his conduct, and he thought that he should convince his hon. and learned friend, the member for Sussex, of the danger of making imperfect quotations. The hon. and learned member said that he did not charge him with inconsistency; but even if he had done so, he begged to assure him that that would not have altered the feelings of friendship which he entertained for him. Now, he would proceed to the speech of June 17, 1839, and he wished every hon. gentleman who should be similarly charged would be able to give such a refutation to the allegations made against him. In June, 1839, they were discussing what they should do in the case of "*Stockdale v. Hansard*," the Attorney-general having pleaded to the action. He had said that his advice had not been acted upon, for that he had advocated the committal of the plaintiff in the action, and then, after having referred to the case of "*Burdett v. Abbott*," he went on to say, "What was the course the House had pursued? It submitted to the tribunal. The House had the power of stopping the proceedings at once by telling the individual who was plaintiff in the cause that he had no right to go to any other tribunal than that House, as it was the only judge of matters involving its privileges, and that if he persisted he would be committed for contempt. The House, however, allowed and instructed its officer to plead, and directed counsel

to appear for him before the court. The Attorney-general appeared and argued the case for three days in the most able manner. They allowed the court to consider the case, and to believe that they submitted to its decision, and that they were a willing party before it; and, in confirmation of this view of the case, he would ask, how did the Attorney-general conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The hon. and learned gentleman concluded in these words,—‘My Lords, for these reasons I pray judgment for the defendants.’ It was proposed, however, that the officer who acted for the sheriff of London should be committed if he levied the execution. Was this the proper step to take after the course the House had allowed to be pursued? As regarded his opinion on the subject-matter under consideration, he had no hesitation in saying—(now here was his inconsistency)—that he believed that its privileges were essential to the usefulness of parliament, and he did not think that they could sit with honour or advantage to the country for a single evening without them. If they might be questioned in the Court of Queen’s Bench, there was nothing to prevent their being questioned in every subordinate court of judicature in the empire. If they allowed it to be supposed that any court could determine on what occasions their privileges were justly exercised, they only held their privileges by sufferance, and they had better attempt to suspend the exercise of their privileges, than attempt to exercise them at all.”

“If a similar case occurred to-morrow, he would recommend that the House should deal with it without hesitation, and determine that, as a case involving its privileges, it should not be submitted to a court of judicature. In such a case there would be a proper exercise of the authority of the House of Commons when it committed for contempt.”

He could not see, then, how he was chargeable with inconsistency. He would fairly own, however, that such a question as that would have little weight with him, for he had no hesitation in declaring that he was not always to be haunted with the ghost of Hansard, and that if he saw the importance and necessity of a change in any case, not involving any great question of principle, he should have little difficulty in adopting it.

The House divided on the amendment, that Mr. Howard be discharged:—Ayes 92; Noes 210; majority 118.

Mr. Howard was then called in and examined, and after expressing his regret at having incurred the displeasure of the House, was reprimanded by the Speaker, and forthwith discharged.

## PROVISION FOR PRINCE ALBERT.

JANUARY 27, 1840.

Lord John Russell moved that the sum of £50,000 be granted, as a provision to Prince Albert, to commence on the day of his marriage to her Majesty, and to continue during the life of his highness.

Mr. Hume moved as an amendment that the grant be £21,000; which was negatived.

On the original question being again proposed, Colonel Sibthorp moved as an amendment that the grant does not exceed £30,000 per annum.

SIR ROBERT PEEL said, he never would shrink from giving his vote upon this, or upon any other occasion; but he did not know that he should have risen to address the House, if it were not for the insinuation of the noble lord—an insinuation introduced so unnecessarily, so unjustly, and so contrary to all parliamentary rules and principles—so unworthy too, as he thought, of the situation which the noble lord occupied, both as a minister of the Crown, and as leader of the House of Commons. What right had the noble lord to make the insinuation that he had done? Supposing that he had said, that the noble lord’s motive in proposing such a grant as £50,000 was owing to his base subserviency towards the Crown—supposing he had said that which was perfectly irregular, and which would be perfectly unjust, he thought, he would have been told at once by the Speaker, that he had no right to go on imputing motives. Thus, he thought, that it would be base and unworthy of him to be influ-

enced at all by the events of last May; but he also said it would be as unworthy as it would be cowardly in him to shrink from the performance of his duty, from the fear that such a motive would be imputed to him. He said that it would be puling, effeminate delicacy in him, if he acquiesced in a vote which he felt to be wrong, because he feared some hon. gentleman opposite might have said, "you are acting from a spiteful recollection of the events of last May." He did not vote for the smaller sum, on the ground that had been taken by hon. gentlemen—he did not adopt now a course which he had constantly rejected—namely, in considering the grant, taking into his calculation how many families might be supported by it. He did not give his vote on account of the temporary distress that prevailed; nor because financial difficulties were felt, for he believed that this great country was rich enough, and powerful enough, to make a proper allowance for the consort of the sovereign. He introduced none of these invidious topics—he felt that what he did might cause temporary displeasure; but he was conscious that he consulted the permanent interest of the Crown, and that the vote he gave was consistent with liberality towards the Crown, and with justice towards the people. He who acquiesced in a vote which he felt could not be vindicated, was not a true friend to the Crown. He was a much greater friend to the Crown, who saved it from the unpopularity of an extravagant vote. So much then for his duty towards the Crown, and now, as to the position of the House of Commons, and the position of parties. He said, that the great political interest of parties was to be maintained, and nothing in the present state of public feeling could be so ruinous to both parties, as if there were a contest between as to which of them would show the greatest liberality in such a vote. It might promote the temporary interest of a party; but any fear, or any shrinking from that which they believed to be their duty would do more than anything else to ruin the character of the House of Commons. His hon. friend was not to be provoked by the example of the noble lord. His hon. friend had given notice without the slightest communication with him. He had heard the speech of the noble lord's explanation of the expenses of Prince Albert before he intimated how he intended to vote. He did not exactly understand what was the motion of his hon. friend; but he thought that £30,000 during the life of her Majesty, by way of a privy purse, would be a just and liberal grant. He thought, also, that £30,000 to Prince Albert, in case of his surviving her Majesty, and there being no issue, would be a just and liberal provision. But he thought, that if Prince Albert survived her Majesty, and that there were heirs to the Crown, the grant ought to be £50,000; but then he also said, that if Prince Albert was the father of a numerous family, and expenses thus fell upon the Prince, he for one would vote that which would be becoming to the father of the royal family. He did not know that his hon. friend proposed so to limit the vote; but then he should not be ready to increase the vote until Prince Albert had given a guarantee to the people of his permanent residence in, and attachment to the country. He grounded his vote upon a consideration of the reasons of the case. The noble lord had insinuated that some disrespect would be shown to the Crown unless he and others acquiesced in the proposal of ministers. Supposing that the noble lord said, that he called upon them to act upon precedents, and that he considered the precedent of Queen's Consort to be strictly in point, why, then, did not the noble lord propose £50,000 a year and £100,000 afterwards? Why not appeal to their respect to precedent, as binding on them in this case as in that? Supposing that the noble lord had made that proposal, and that they should pursue the course adopted with respect to Queen Adelaide—that is £50,000 first and £100,000 afterwards—would they not have a right to oppose such a proposal without any disrespect to the Crown? The cases of precedent then failed. They were not bound by precedent—not by strict and literal analogy; but then an appeal was made to the reasonable analogy of the cases cited by the noble lord. Could the noble lord deny, that, as far as the public money was concerned, no provision was made for Prince George during the lifetime of the Queen? The noble lord said that there was special pleading upon this point; but he mentioned, on the contrary, that it was strictly correct and proper argument. The Queen (Anne) came into possession of the hereditary revenues, the same that had been enjoyed by Queen Mary and King William. The marriage had taken place before she ascended the throne. Parliament made no increase, but a provision was made by the Queen out of those revenues, to which the

Queen was unquestionably entitled, supposing that no marriage had taken place. Parliament provided for the case of Prince George surviving the Queen, merely at the close of his life, and when there was little chance of his surviving her, and then in case he did survive her, it granted to him £100,000 out of the public revenue. Let the House bear this in mind. £30,000 granted now, payable for life to the Queen and Prince Albert, in case of his surviving the Queen, was equivalent to the grant of £100,000, payable only in case of survivorship. If they took the value of annuities, £30,000 granted now for life to Prince Albert, was equivalent not to the £100,000 granted to Prince George, but to the sum of £200,000 or £300,000. This would be the equivalent in the contingency of survivorship. He would take the case of Prince Leopold and the Princess Charlotte. They had had a grant of £60,000 to maintain the whole of their establishment. The £30,000 which the Princess Charlotte had before, ceased, and they received £60,000 for the maintenance of their whole establishment, and £50,000 in the event of Prince Leopold surviving. Could any man deny, that the universal voice of the country was, that that grant was too great? Could any man deny that, in case of Prince Leopold going abroad, severing his connection with this country, £50,000 would not have been too much? The almost universal feeling of the country at that time was, that that grant was too great, and in point of fact, Prince Leopold practically proved it, by his relinquishment—his liberal, generous, handsome relinquishment—of a considerable portion of his income. He felt, that the amount was against the opinion of the country. The case of the Royal Family, where £21,000 a year was granted to each of its members to support the whole of their establishments, was a proof that £30,000 was a liberal allowance, such an allowance as he wished to make. He would come, then, to the case of William and Adelaide, which the noble lord said, he relied upon. His right hon. friend (Mr. Goulburn) had maintained, that, in making a grant of £30,000 a year to Prince Albert, they were substantially making the same allowance to the Queen and Prince Albert which had been made to King William and Adelaide. Surely, there was no special pleading in this? If they gave in effect the same amount available for the same purpose, surely it was not special pleading to ask the House to be bound by that fact. The right hon. gentleman, the Chancellor of the Exchequer, had said, that there was a difference in the present case, on account of the pension list, as formerly the surplus of that fund might have been applied to persons that properly fell upon the civil list. That was a perfectly novel argument. When parliament constituted the pension list and reduced it to £1,200 a year, that being the whole fund upon which the Crown could draw for personal services, and the reward of literary merit, parliament never contemplated that the surplus should be made available for other purposes. He must say, after that arrangement with respect to the limitation of the pension list to £1,200 that it was a great abuse of power, if indeed the power existed, to transfer the surplus to defray ordinary expenses. Such a thing ought not to have taken place. The right hon. gentleman, the Chancellor of the Exchequer, seemed to say, that he did not mean that—(The Chancellor of the Exchequer: by the new arrangement, the power was taken entirely away.) How, then, could it any way apply to the marriage of Prince Albert? In guarding against the inference which the right hon. gentleman drew, he had completely proved, that his argument was worth nothing. If parliament, before the marriage, had, by an act, taken away the power of applying this money, what a miserable stress for argument must the right hon. gentleman be in, to come to that House, and contend, that it was a disadvantage to the Crown that it could not now apply the surplus portion of this fund to the civil list? What had the allowance to Prince Albert to do with it, if the legislature had already taken away that surplus from the Crown? and how could the right hon. gentleman contend for an increase of the grant on that ground? What his right hon. friend contended for was, that the portion of the civil list, applicable to the personal expenses of the Queen and Prince Albert would, with the grant of £30,000, amount to the same sum as was granted in the case of King William and Queen Adelaide. The amount of the privy purse was, no doubt, different. £60,000 to the Queen, and £30,000 to Prince Albert, was less than the sum granted to William and Adelaide by £20,000; but, if they took the whole amount of that portion of the civil list which was applied to the establishment, and which went to diminish the expenses of Prince Albert, who

would find an establishment provided for him, that he would say would be a legitimate comparison between the amount of the civil list applicable to personal expenses in the one reign and in the other; and he would say, that £30,000 would render the amount equal. The onus of proving, that more was necessary was thrown on the other side. The noble lord the Secretary for the Colonies, said, that the Crown could not apply the surplus upon one head of the civil list to the privy purse. That was a singular contrast to what had been said by the right hon. gentleman, the Chancellor of the Exchequer. That right hon. gentleman had contended, that the Crown had before the power of applying the surplus of the pension fund. That argument, it appeared, was perfectly inapplicable, as the Crown had no such power; but the Crown had the power of applying the savings in those heads of the civil list which referred to household expenses to the privy purse. Consequently the comparison between the total amount of the civil list under the head of the Lord Chamberlain's and the Lord Steward's departments, would not be applicable; and, in his opinion, the sum of £30,000 would give for each reign the same amount. It would also be recollected that the provision for the consort of a King and for the consort of a Queen was necessarily very different. A great establishment, a lord chamberlain, a steward, must be maintained by the consort of the King, as well as by the King himself; but in the case of a Queen Regnant, there was absolutely no necessity for his keeping any establishment at all. The expenses of the stabling department were also much heavier upon a Queen Consort, inasmuch as the establishment must be much larger on account of the necessity of providing carriages and horses for the females of her establishment. On these grounds, having been perfectly unwilling to enter into minute details, thinking that a reference of the subject to a committee, as in 1830, would be a wrong course—forming his calculations on the ground that had been stated by the noble lord himself, that £9,000 only would be required for Prince Albert's establishment, he had come to the conclusion that £30,000 a-year was a just and liberal allowance; and having come to this conclusion, and being perfectly resolved, notwithstanding the unjust imputations which the noble lord had thrown out, disregarding any consideration as to whether he was giving a politic vote or not, he was perfectly resolved not to enter into any unseemly contest about vying in an unjust liberality; he would give the Crown what he believed a liberal and just allowance; but, his duty as a representative of the people, and as a loyal subject of the Crown, could not permit him to counsel the House to make an extravagant grant. I will not (continued the right hon. baronet) condescend to rebut the charge of want of respect or loyalty. I have no compunctions of conscience on that ground. I never made a concurrence of political sentiment on the part of the Sovereign a condition of my loyalty. I never have been otherwise than loyal and respectful towards my Sovereign. Not one breath of disloyalty—not one word of disrespect towards the Crown, or any members of the Royal Family, however adverse their political sentiments were to mine, has ever escaped my lips; and when performing what I believe to be my duty to this House, and my duty towards the Crown, I should think myself unworthy of the position which I hold, of my station as a member of the House of Commons, if I thought that I could not take a straightforward course without needless professions of loyalty, or without a defence against accusations which I believe to be utterly unfounded.

The House divided on Colonel Sibthorp's amendment, which was carried by a majority of 104.

## CONFIDENCE IN THE MINISTRY.

JANUARY 31, 1840.

In the fourth night's debate on Sir J. Y. Buller's motion, "That her Majesty's government, as at present constituted, does not possess the confidence of this House."

SIR ROBERT PEEL spoke as follows:—I am very confident that there is no gentleman present, however weary he may be of this protracted discussion, that will not admit, that, considering the nature of the motion, and considering the position in which I stand, I have no alternative but to solicit the indulgence of the House. I

am confident, moreover, that if I must vindicate myself from some accusations, and must detail my opinions upon many important matters, considering the prominent part which I personally have been made to occupy throughout this debate, that I shall not be charged with any silly vanity, or presumptuous egotism. Two demands have been made by the opposite side in the course of this discussion—the one, that he who is about to give his vote of want of confidence in the government, should specify the grounds upon which that vote is given—the other, that those who, from their position, may be regarded as the probable successors of the government which it is sought to displace, should state upon what principles of public policy they propose to conduct the affairs of this country. The absolute justice of the first of these demands I willingly admit. The other demand, namely, that I should explain in detail my views of public policy, is, perhaps, not equally imperative in point of strict obligation, but it is a demand to which, from considerations of prudence, I shall most willingly accede. I will answer every question that has been put to me upon that point. There shall be no limit to the fulness and unreservedness of the answers which I will give, except your impatience. I know too well the little value that can be placed on that support which arises from misconception of one's real opinions—I have seen too much of magnificent professions out of office, and of meagre performances in—I have had too much experience of solemn engagements, entered into for the purpose of overturning a government, violated when that object had been obtained—I have so little desire to procure a hollow confidence, either on false pretences, or by a delusive silence, that I rejoice in the opportunity of frankly declaring my opinions and intentions on every point on which you challenge unreserved explanation. I proceed, however, in the first instance, to a compliance with that demand which calls upon me to specify the grounds on which I intend, with perfect cordiality, to join in the motion of my hon. friend, and record my denial of confidence in the present government. I withhold my confidence from you on every ground on which confidence can be withheld—I withhold my confidence from you on the results of your public policy—on your own confessions of incompetence—on the testimony of your most valued friends—I withhold my confidence from you on account of the constitution of your government, on account of your measures, and, above all, on account of the principles which you are now forced to avow, in order that you may retain your majority, and therefore your offices. I said, that I withheld my confidence from you on a consideration of the results of your public policy. I will compare those results, not with any remote period, not with the results of Conservative policy; I will compare them with those results of which you must be proud, if you have any recollection of events in which you took a share, and have any respect for the character of those by whose counsels you were then content to be led. In the year 1834, the minister, under whose guidance you carried the Reform Bill, retired from office. I will read to you the account which Lord Grey gave on his retirement, of the condition in which he left the country, and I will compare that condition, so testified by the authority of Lord Grey, with the condition of the country on this day, on which you are urging your claim to public confidence. On the 9th of July, 1834, Lord Grey observed (and mark the contrast in every particular):—"With respect to the internal state of the country, we leave it in improved circumstances—trade in a sound and healthy condition—the manufacturers generally employed, public credit improved, and all interests in a better condition, with one single exception—agriculture; and even the depression of that interest less affecting the tenantry than the landlord, through the reduction of rents. Political and trades' unions have disappeared. We have exerted the ordinary powers of the law for their suppression, and by administering it with a firm hand, the result has been complete success."

That was the testimony borne by Lord Grey to the public acts of that administration, of which Lord Grey, of which my noble friend, the member for North Lancashire, of which my right hon. friend, then member for Cumberland, formed a part, and from which they were compelled, by a sense of public duty to withdraw. You have had an unlimited control, with the exception of about four months, over the affairs of this country since, and I call upon you now to render an account of your stewardship, and to tell me by whose fault it is that this country now presents such a contrast with its condition in 1834. You boast that, since 1834, you have

effected many great public measures, that reform has been progressive, that no obstruction has been sufficient to control the steady march of your advance in the career of improvement. How comes it, then, that in 1840, trade should be in an unsound and unhealthy condition?—that public credit should be injured?—that for months your public securities should have been at a discount? Agriculture, indeed, has improved since 1834. Do you take credit for the improvement? Is it owing to your fostering hand—to your manly and decided tone on the corn-laws? How happens it, if Lord Grey had succeeded in dissolving political and trades' unions—if, by a firm administration of the law, he had suppressed the spirit of disorder—if his efforts had been attended with complete success—if you, too, be justified in your boast, that you have advanced in a course of useful reform to an extent which no former government ever went, or could have anticipated—answer me this question—To what is it owing that this country is now convulsed with political disorder, that a spirit of insubordination is spreading far and wide—nay, that rebellion and insurrection are rearing their heads? If the test of good government is the concord and satisfaction of the people governed, can you abide a trial by that test? The noble lord (the member for Northumberland) has said, that he had observed from month to month, that the supporters of the government were gradually falling off. Have not these defections been concurrent with changes in the ministry? with the gradual retirement or expulsion of every minister (with one splendid exception, I admit, Lord John Russell)—of every minister conspicuous for talent, for resistance to restless innovation, for a desire to protect and preserve institutions in Church and State? Let us review the changes in the personal composition of the government since the retirement of Lord Grey. Since the spring of 1834, Lord Grey, Lord Stanley, Sir James Graham, the Duke of Richmond, Lord Ripon, Lord Brougham, Mr. Charles Grant, Mr. Spring Rice, lastly, the noble lord himself (Lord Howick) have separated themselves from you. Step by step these men have been gradually expelled; and for what reason? Because it was necessary to make a sacrifice of them, in order to conciliate parties holding opinions which they could not sanction. I said I was justified in withholding my confidence from you on the testimony of friends most partial to you, and best qualified to judge of your claims to confidence. Why has the noble lord (Lord Howick) abandoned you? Because he distrusts the principles on which you profess to act, and foresees the consequences of the concessions you have made, and will continue to make, to the demands of Radical supporters. And (turning to Lord Howick) do you read us a lecture about withdrawing confidence? What justifies you in your abandonment of your colleagues, but your utter want of confidence in them? You left the government upon public principle. It was no paltry squabble about office; no pique that you or your relatives were not promoted, that induced your retirement. The time was one of extreme difficulty; your colleagues stood in need of every support; and bear in mind the peculiar circumstances under which you had very recently resumed office. You resumed office from an imperative sense of duty, according to your impressions of duty, to protect your sovereign. In this debate you have said, that an unjust and ungenerous attempt was made to control the Queen in respect to a part of her household. My views are totally different from yours. I think a condition was required from me which it would have been humiliating and unconstitutional to assent to. But, assume that you were right and that I was wrong. What overpowering motives for distrusting a government must you have had, that could impel you, amid all the pressing embarrassments of public affairs, when the ministers, the men whom you profess to esteem and love, were tottering from their weakness—when the Queen required protection from “unjust and ungenerous demands”—that could impel you to separate from your colleagues, and to abandon your sovereign? Changes in the government, altering its character, were the ground of your withdrawal from office. The chief addition to the cabinet at the time of your retirement, was the appointment of Mr. Labouchere to be President of the Board of Trade. I was not aware that he held extreme opinions, calculated to increase the discontent and alarm of moderate men. Have the subsequent additions to the government tended to increase your confidence? Has the appointment of your successor abated your distrust? What think you of the lecture on the sacred duty of agitation which has been delivered by that successor (Mr. Macanlay)? No! no! if you have been justified in

abandoning your post, in withdrawing your co-operation from colleagues whom you know and esteem, you cannot quarrel with our much fainter demonstration of distrust. I have thus given you the testimony of a partial friend to your demerits—I proceed to redeem my pledge of convicting you on your own confessions. Upon what ground did you retire from office, after having carried your bill for the government of Jamaica? You had a majority of five only on that bill, and you determined to resign office. I presume it was not the increasing difficulties of the country that induced you to retire from the post of danger, that it was the *bonâ fide* belief, after the decision upon the Jamaica bill, that you did not possess a sufficient degree of public confidence to enable you to administer the affairs of this country. In the debate of the 7th of May, when you declared the grounds of your withdrawal from office, the noble lord, the member for Stroud, and the leader of the House of Commons, gave the following explanation:—"It seems to me that there is no option but to give up the bill which we thought it our duty to bring forward. It is then a question whether, having brought forward a bill of that importance, we shall leave the state of affairs in Jamaica, in the West Indian colonies, and in our colonies generally, in that state in which the ministers of the Crown ought not to be content to leave them. It is obvious that in Jamaica the authority of the Crown will be greatly weakened by a vote of the House of Commons, giving, in effect, and in impression, support to the contumacy, as I must call it, of the House of Assembly against the proposition of the ministers of the Crown."

The Canada bill was pending:—"We cannot," said the noble lord, "calculate on that support which is necessary for the settlement of the affairs of Canada. Therefore, in continuing in the administration of affairs, not having, as we think we have not, a sufficient degree of confidence and support to carry on those affairs efficiently in this House, we should be exposing to jeopardy the colonial empire of this country, many of our colonies being, I will not say in a state of hazard, but in a state of uncertainty, concerning which questions of considerable importance are pending. After the vote of last night, I do not think we are entitled to say, that upon the great and important affairs of the colonies, upon which government is obliged to come to a decision, we have such support and such confidence in this House as will enable us sufficiently to carry on the public business."

It was not, then, a mere personal dissatisfaction with the vote; it was not wounded feelings of honour that induced you to resign; your reason for resigning was, that you were so deprived of confidence and support, that you were placing in jeopardy the best interests of the colonies by continuing in office. What security can you give to those colonies that you are better enabled to administer their affairs now than then? What said Lord Melbourne in the House of Lords? After mentioning a conversation between Bishop Burnet and King William, in which the bishop, after discussing the different forms of government, inquired which his Majesty preferred? was answered by the King, "I know not which may be the best, but the worst I consider to be a monarchy which does not possess the full power and prerogatives of a monarchy."

Lord Melbourne went on to say, in allusion to this conversation,—"I am sure I do not know what is the best ministry, but this I do know, that unquestionably the worst ministry is that which does not possess sufficient of the confidence of parliament and the country to carry those measures which it may think necessary for the public service."

Lord Melbourne did not then draw the distinction which has since been drawn between the responsibility of an administration for executive government and for legislative measures. Lord Melbourne said, that that was the worst government which had not sufficient confidence on the part of parliament and the country to carry such measures through parliament as it thought necessary. The right hon. gentleman (Mr. Macaulay) differs from Lord Melbourne in that respect; he draws a distinction between executive and legislative functions, and offers it in vindication of the government for continuing in office without public confidence. Can you maintain the doctrine that a government is merely responsible for the execution of departmental business? If that doctrine be correct, there may be complete abdication of every legislative function. How is it possible, in a country with a popular form of government—in a country, whose affairs have been administered (as in this



country they have) mainly through the intervention of the House of Commons—how is it possible for the government to maintain public respect if it limit itself to the mere discharge of departmental duties? If you exclude legislation from your duties, how would you deal with the case of Jamaica? You felt it absolutely necessary, according to your conception of duty, to annihilate the Assembly of Jamaica, and substitute a despotie for a free government. You clearly thought good executive government in Jamaica impossible without legislative interference. The case of Jamaica is the case of every colony, of almost every function of government. There is scarcely any one of the most important duties of government which is limited to mere administration of departments, and which does not involve duties of legislation as well as of execution. But there is a new resource for an incompetent administration; there is the ingenious device of “open questions,” the cunning scheme of adding to the strength of a weak government by proclaiming its disunion. It will be a fatal policy indeed, if that which has hitherto been an exception—and always an unfortunate exception in recent times, is hereafter to constitute the rule of government. If every government may say, “We feel pressed by those behind us, we find ourselves unable, by steadily maintaining our own opinions, to command the majority, and retain the confidence of our followers; our remedy is an easy one—let us make each question an open question, and thereby destroy every obstacle to every possible combination.” What will be the consequence? The exclusion of hon. and able men from the conduct of affairs, and the unprincipled coalition of the refuse of every party. The right hon. gentleman has said, that there have been instances of “open questions” in the recent history of this country. There have been; but there has scarcely been one which has not been pregnant with evil, and which has not been branded by an impartial posterity with censure and disgrace. He said that in 1782, Mr. Fox made parliamentary reform an open question; that Mr. Pitt did so on the slave trade; and that the Catholic question was an open one. Why, if ever lessons were written for your instruction to guard you against the recurrence to open questions, you will find them in these melancholy examples. The first instance was the coalition of Mr. Fox with Lord North, which could not have taken place without open questions. Does not the right hon. gentleman know that that very fact, the union in office of men who had differed, and continued to differ, on great constitutional and vital questions, produced such a degree of discontent and disgust as to lead to the disgraceful expulsion of that government? The second instance was that of the slave trade; but has not that act of Mr. Pitt, the permitting of the slave trade to be an open question, been more condemned than any other act of his public life? I will read what the most recent historian says upon the subject of that very coalition, and of Mr. Pitt’s conduct on leaving the slave trade an open question. Of Mr. Fox and the coalition it is said—“On such grounds Mr. Fox and Lord North succeeded in overturning the ministry, and took their places, which they held for a few months, when the king dismissed them, amidst the all but universal joy of the country, men of all ranks and parties, and sects, joining in one feeling of disgust at the factious propensities in which the unnatural alliance was begotten—and apprehending from it, as Mr. Wilberforce remarked, ‘a progeny stamped with the features of both parents—the violence of the one party, and the corruption of the other.’”

What is there to prevent me, if such a doctrine were tolerated, from coalescing with the hon. member for Westminster (Mr. Leader) and the hon. member for Cornwall (Sir W. Molesworth) in opposition to her Majesty’s government, from subsequently dividing the spoils of office, discharging the mere executive duties of it, and evading the exhibition of disunion by alleging that parliament was responsible for legislation, and that we had nothing to propose which there was a chance of carrying? What says the same historian of Mr. Pitt, in reference to the slave trade? “These are heavy charges; but we fear the worst remains to be urged against the conduct of this eminent person. No man felt more strongly on the subject of the African slave trade than he. His speeches against it were the finest of his noble orations. Yet did he continue for eighteen years of his life suffering any one of his colleagues, nay of his underlings of office, to vote against the question of abolition if they thought fit. His conduct on the slave trade leaves a dark shade

resting upon his reputation—a shade which few would take to be on the first of orators and greatest of ministers.”

The next instance cited by the right hon. gentleman, was that of the Catholic question. I have had some experience of the evils which arose from making Catholic Emancipation an open question. All parties in this House were equally responsible for them. Fox made it an open question—Pitt made it an open question—Lord Liverpool made it an open question—Canning made it an open question. Each had to plead an urgent necessity for tolerating disunion in the cabinet on this great question; but there cannot be a doubt that the practical result of that disunion was to introduce discord among public men, and to paralyze the vigour of executive government. Every act of administration was tainted by disunion in the cabinet. Each party was jealous of the predominance of the other. Each party must be represented in the government of that very country which required above all things an united and resolute government. There must be a lord-lieutenant of one class of opinions, a secretary of the opposite, beginning their administration in harmony, but in spite of themselves becoming each the nucleus of a party, gradually converting reciprocal confidence into jealousy and distrust. It was my conviction of the evils of such a state of things, the long experience of distracted councils, of the curse of an open question as it affected the practical government of Ireland, it was this conviction, and not the fear of physical force, that convinced me that the policy must be abandoned. I do not believe that the making of the Catholic question an open question facilitated the ultimate settlement of it. If the decided friends of emancipation had refused to unite in government with its opponents, the question would have been settled at an earlier period, and (as it ought to have been) under their auspices. So much for the encouraging examples of the right hon. gentleman. They were fatal exceptions from the general policy of government. If, as I before observed, such exceptions are to constitute the future rule of government, there is an end to public confidence in the honour and integrity of great political parties, a severance of all ties which constitute party connections, a premium upon the shabby and shuffling conduct of unprincipled politicians. I give the right hon. gentleman (Mr. Macaulay) full credit for the purity of his own intentions, but without this new doctrine of “open questions” how could you, with your opinions on the corn-laws, on free trade, on the abolition of all protective and restrictive duties, how could you justify your union with the Prime Minister, who does not content himself with mere dissent from your opinions, but who has publicly declared that the measures for which you contend are among “the wildest and maddest schemes that ever entered into the imagination of man?” Again, how can you, who think the suffrage ought to be extended—who think there is no security for the honesty of the elector except in secret voting—who think the duration of parliaments ought to be reduced—who think the Septennial Act ought to be repealed—how can you, with the faintest hope of effectually serving your country, co-operate with the noble lord, who tells his constituents and the world that he considers these very measures, which you deem imperatively necessary, to be tantamount to the commencement of a revolution? The noble lord tells his constituents, after declaring himself in favour of some amendments to the Reform Act, such as a new Registration Bill, and some measure with respect to the payment of rates, “that minor changes such as these, introduced when the public mind is prepared for them, and they have been duly weighed, differ very much from the proposal to found a new reform bill on the basis of triennial parliaments, vote by ballot, and universal suffrage.” (Mr. Macaulay.—I am not for triennial parliaments.) No; but you are for quadriennial: so there is but a year between your measure and that denounced by the noble lord. Thus then the question will stand between two members of the cabinet: one says, triennial parliaments would be pernicious; the other says, quadriennial are necessary for the satisfaction of the country. One says, household suffrage will not only be dangerous and convulsing to the public mind—(Lord John Russell, we believe, made some gesture of dissent.)—Have you heard this night the speech of the hon. member for Dublin, Mr. O’Connell? Did you hear the appeal he made to me? Did you hear him say, that any party which refused to admit to the franchise the great body of the working classes—the real elements of strength in the country—were unworthy the confidence of the country? Does the right hon. gentleman believe, when he shall have drawn

his new line—merely admitting to the franchise the £10 householders now resident out of the boroughs—that he will stop agitation? The noble lord would soon convince him that such limited extension of the suffrage would have the double evil of increasing discontent, and compelling further and indefinite changes. But the ballot! the most important of unsettled constitutional questions! how can the right hon. gentleman, who considers secret voting indispensable to the honest discharge of the duty of an elector, how can he act cordially in public life with the noble lord, who considers the ballot pregnant with evil in itself, and entailing what would be tantamount to revolution—namely, household suffrage? How do you meet in the Cabinet to discuss the state of the country totally differing on a great question like this, involving others of still greater magnitude? The right hon. gentleman proclaims the sacred duty of agitation. He says, that no great measure can be carried without agitation. Are these mere clap-traps to deceive the Radicals behind him? If your doctrine be good, do you intend to agitate as a member of the government? You profess to believe in the efficacy and necessity of the ballot, and you say no great question can be carried without agitation. Does your position as a Cabinet minister exempt you from the duty of agitating in favour of the ballot? If you agitate in its favour, the noble lord must agitate against it. Here is the first result of your open questions. How edifying will it be to see the noble lord and the right hon. gentleman, after a conference in Cabinet on the convulsed state of the country, or other *arcana imperii*, part company at the end of Downing-street, each to carry on his separate system of agitation! Great indeed will be the vigour of your administration, and cordial the concert of your Cabinet. But, suppose you abstain from agitation; suppose, in order to prevent collision in the Cabinet, you never discuss either corn-laws or ballot, or any other of the open questions, what answer will you make to your constituents at Edinburgh? Out of office you declared yourself in favour of these measures,—in office, you repeated the assurance that you were faithful to your principles. From the proud keep of Windsor you proclaimed your fidelity to them, not from the gratification of any vulgar personal vanity, but from the firm resolution that truth should be spoken in high places, and that from the palace of kings the comfortable tidings of Radical reform should be conveyed by a voice of authority. Will it suffice to answer, when your constituents require the fulfilment of your promises, “I gave you no pledges; declarations in abundance I admit, but pledges! I utterly disclaim them.” They will remind you, that they hailed your return from foreign lands to the shores of England,—that they found you panting for distinction, and lifted you through their favour into the councils of the empire. If their native tongue will not suffice for this classic constituency, you have taught them, by reminding me of former reproaches, where they may find, in the passionate exclamations of Dido, the fit expression of their sorrows:—

Nusquam tuta fides!

Nay, they may proceed with the quotation,

Nusquam tuta fides! cjectum littore, egentem  
Excepit, et regni demens in parte locavi.

“Shall there be no fruit,” they will exclaim, “of our mutual love, no little Bill, stamped with the image of the father, and reflecting in its face the features of paternal vigour and intelligence?”

Saltem si qua mihi de te suscepta fuisset  
Ante fugam soboles, si quis mihi parvulus aula  
Luderet Æneas, qui te tantum ore referret,  
Non adeo omnino capta ac deserta viderer.

You remain deaf to their entreaties; with all your protestations of fidelity, you have nothing to return but the miserable answer of Æneas, after all his coquetting in the cavern, *Non hæc in fœdera veni*—I gave you no pledges. The noble lord tells his constituents at Stroud, that the measures to be dreaded, as ending in revolution, are the ballot and its consequence, indefinitely extended suffrage; and he exhorts the inhabitants of Stroud to act on the principles of true Whiggism, and, above all, “not to raise the anchors of the monarchy while a storm

is blackening in the horizon." And what does the noble lord do as the fury of the storm increases? He enlists an able-bodied seaman who thinks there is no safety from the storm but in heaving the anchors, and is whistling away with half the crew at work at the capstan. And what is the consequence? The vessel is lost while the officers are squabbling and fighting about the management of it. One insists on remaining at anchor and riding out the storm; the other, on heaving the anchor, and braving the open sea; neither has strength enough to prevail, and amid the distractions of the crew, the gallant ship drags along with imperfect and loosened holding, till she drifts on the obscure and dirty mud bank of progressive reform. So much for "Open questions." I now come to consider the acts of the government, and, in the first place, I will look at the state of the revenue. There has been of late a great excess of expenditure over revenue. Every quarter produced a greater increase in the expenditure, and a corresponding deficit. On the 5th of January 1839, the actual expenditure exceeded the actual revenue by the sum of £345,000, on the 5th of April by £430,000, on the 5th of July by £518,000, and on the 10th of October by £803,000. On the balance of three years there is a deficiency of £3,500,000, comparing revenue with expenditure, and yet in such a state of the finances, the government, for the sake of a little momentary, and only momentary, popularity, consented to sacrifice the revenue of the post-office. I have a right to speak with some authority on this subject. Suppose I had acted in regard to the malt-tax as ministers have done with respect to the post-office. I was in far greater difficulties, as minister, in 1835, than the present government, and more pressing demands were made for the repeal of the malt-tax, than for the repeal of the postage duty. Did I evade the difficulty of forming a united government by making the malt-tax an open question? Did I not forego the aid and co-operation of my noble friend, the present Duke of Buckingham, because I was resolved that the malt-tax should not be an open question, but that the repeal of it should be opposed by the whole authority of government? When my hon. friends saw my determination to maintain the malt-tax, or relinquish office, they consented to support me, and the House, generally, gave me that support, which enabled me to oppose the repeal of the malt-tax by an immense majority—350 to 192. Had this government acted on the same principle, had they told the House that the reduction of the postage duty was a step which could not be taken without extreme danger to the revenue, had they refused to be parties to the reduction, they would have received similar support. They are, therefore, responsible for the results of the measure which they have so rashly and so needlessly adopted against their own opinions. While the revenue is thus diminished, how stand the establishments? What progress has been made in redeeming the magnificent pledges of retrenchment and economy—the flattering promises, that a reformed parliament would secure respect for the government, and peace both at home and abroad, with greatly reduced establishments! What are the facts? In 1835, the expenditure of the army, navy, and ordnance establishments was £11,400,000; in 1836, it was £11,800,000; in 1837, it was £12,194,000; in 1838, it was £12,681,000; in 1839, it was £13,565,000. In the spring of 1835, the present ministers took the administration of public affairs into their own hands—they promised emphatically to secure tranquillity and concord throughout the country by "progressive reform," and declared that the name of England would be so respected throughout Europe, that universal peace could be maintained with diminished establishments. They had, notwithstanding, progressively increased the military establishments of the country; not, as he believed, unnecessarily: he threw no blame upon them for that increase, but let them no longer boast of the blessings of profound peace abroad, and tranquillity at home. There stood the fact, that they had increased the military establishments of this country from 1835, when they were £11,401,000, to the present period, when they were £13,565,000, and this during a time of peace. Do you look to the possibility of a war? What have you done to prepare for it? You blamed the Duke of Wellington, and my right hon. friend Mr. Goulburn, for their financial extravagancies. What did we effect in the three years of our administration? We reduced the principal of the public debt in the short period of the three years preceding the Reform Bill, by a capital of twenty millions; we diminished the annual public charge by one million and a half. This was done in the Unreformed Parliament; this was the work of that government which you

said had increased establishments for the sake of patronage and of corruption. What is the amount of public debt now, as compared with the public debt on 5th January 1831, the amount of funded and unfunded debt was £783,000,000. Had it been reduced during these nine years of peace and reform? No! greatly increased. The true test, however, is not the amount of capital, but the amount of annual charge. Has that been diminished? No! increased to the extent of one million. The annual charge of the national debt on the 5th January 1831, was £28,349,000. On the 5th January 1840, it was £29,300,000. So much for your financial administration, and your promises of retrenchment. Let us now consider the state of the country in respect to internal tranquillity, and the contentment of the people. Account to us for the progress of Chartism and Socialism. Lord Grey, speaking in 1834, said that mischievous political combinations were suppressed. Why have they revived and spread to a formidable extent? Because you, the ministers, have encouraged them by your example, by your acts, by your principles of government. You are now encouraging them by your exhortations to agitation. When you make a chartist delegate a magistrate, you offer a direct premium to chartism. You invert the relation of government to the people by acts like these. Instead of being a control over evil passions, and a check upon unruly acts, you make the government and the magistracy the actual fomenters of disaffection and insubordination. It is no excuse that radical corporations have recommended chartists for the magistracy; it is no remedy that you afterwards dismiss them when they disgrace the magistracy by their violent language or conduct. The evil is done when the appointment is made. I do not ask you to suspend the Habeas Corpus act, or to pass coercive laws of extreme rigour; I have every confidence in the power of the ordinary law, when enforced by a vigorous government, commanding the sympathy and co-operation of a loyal people. But you paralyse that law, and alienate that sympathy, when, for the sake of courting popular favour, you lend your sanction to evil principles, by bestowing the favour and confidence of the Crown on those who profess them. You confound and unsettle the public mind when, as cabinet ministers, you exhort to agitation as a positive duty. What right have you to complain of Mr. Oastler? I do complain of him. I have never sanctioned his agitation—I deem it most pernicious. But you cannot so limit agitation that it shall just be subservient to your interests. You can't have agitation on one side merely. The men opposed to you will tell you that the importance which you attach to your purposes they attach to theirs. And the dangerous, and, I think, wicked agitation on the poor laws will be defended on the principles on which you rely. If there be danger in that agitation, why should there not be in yours? Mr. Oastler has excited, it is said, and inflamed the people against the poor-law. Suppose he thinks the poor-law a greater grievance than the want of the ballot. If agitation is allowable to you (Mr. Macaulay), a Cabinet Minister, can you with any consistency denounce Mr. Oastler for the consequences of his agitation? Then, again, take the case of the Socialists. Have you given them no encouragement? Are you aware of the progress of this society? Are you aware of the opinions they profess? This debate commenced by the hon. member for Dublin, asking the Secretary for Ireland “whether Socialism had extended to Ireland?” And this with the view of showing that the good sense and loyalty of the people of Ireland, on the first ingress of Socialism, repudiated and rejected it. A cheer followed this question, and credit was given to the people of Ireland for the effectual discouragement of this system. Are you (the Ministers) entitled to the same compliment? Have you marked your reprobation of the doctrines avowed by the president of this society,—the shameful doctrines, that religion is a fraud, that the right of private property ought to be abolished, and that marriage is an unnatural institution? I don't want you to rush hastily to the prosecution of Mr. Owen; but I do require from you (and there is not one impartial man, of whatever sect or party, who will not join with me,) I do require that the Prime Minister of England shall not present to a Maiden Queen the patron and chief promoter of such doctrines. So much for the president of the institution; now let me put a question to the government, with respect to the vice-president. The vice-president of this institution was Mr. Pare, of Birmingham. In the course of the year 1839 Mr. Pare, being vice-president of this society, the Congress of Socialists came to a resolution, “That it is expedient to address the general convention of the labouring classes now

sitting in Birmingham." This address appears to have been presented by Mr. Pare on the part of the deputation who proceeded with the address. He reports to the Congress, "That they were received very courteously, but very cautiously; that Mr. Feargus O'Connor complimented the Congress on being composed of men of high intellect; and he thought the address one which should be answered; that Mr. O'Brien—(Mr. Bronterre O'Brien, I presume,) moved 'That the address be received, and taken into consideration after the simultaneous meetings were over, which were previously agreed upon.'"

Here is proof of the connection between the congress of Socialism and the convention of Chartism. I have it also in my power to prove that the life and soul of this institution, next to Mr. Owen, was Mr. Pare. Now, will the House believe that this vice-president of the congress of Socialism, of that institution which holds that the right to property should be abolished, and that the marriage tie is an unnatural obligation—will the House believe that this vice-president occupies a place under her Majesty's government? The president of the institution was presented to her Majesty. The vice-president holds an office under the government, and what office do you suppose? The registrar of marriages in the town of Birmingham! Now, by whom was Mr. Pare appointed registrar of births and marriages? Birmingham, I believe, is not under the operation of the new Poor-law. If it had been, the guardians of the union would have had the appointment. But Birmingham not being so circumstanced, Mr. Pare must have received his appointment from the authority of her Majesty's government. Is it conformable to the dictates of common sense or common decency, at a time when principles of Socialism are convulsing and disgusting the land, to select for the particular office of registrar of marriages, in such a town as Birmingham, the vice-president of a society which holds marriage to be an unnatural tie? The presentation of the president to her Majesty may have been—it surely must have been—a casual, an unfortunate oversight. Is the appointment of the vice-president an oversight also? If it be, I hold you only one degree less culpable, in the present state of the country, for not ascertaining the principles of the men whom you select for such appointments; and how can you hope to discourage Chartism and Socialism, when you exercise your patronage and authority in favour of those who are their chief supporters? It does appear to me, that a more grievous and wanton insult could not be offered to the females of those religious sects for whose relief the marriage Act was introduced, than the selecting for that particular office the vice-president of a society which holds the marriage ceremony to be an unnatural institution. The office of registrar was held in the same House in which the congress of Socialists met. It is true that Mr. Pare found it necessary to relinquish the office of vice-president of the Socialists; but on withdrawing from that office, he declared he would continue a member of the board, and would devote all his energies to the interests of the society. Is it fitting that such things should be done by the authority of the government,—and can you be surprised at the progress of Socialism, when the chief patrons and propagators of it receive marked encouragement from ministers acting in the Queen's name? Again, have you taken effectual precautions against the overt acts to which the principles of Socialism and Chartism might fairly be expected to lead? You had timely indications of the probable result; there were symptoms which could not be mistaken, that there would be open resistance to the law. In what condition is the militia force of the country? In case of necessity, could it be embodied? Have any steps been taken so to amend the law that the militia force might be available within a short period of the demand for its services? How can you now vindicate your reductions of the yeomanry? You cannot allege unwillingness to employ them as an unsuitable force to maintain the public peace, for you have employed them on every occasion, and have acknowledged the zealous and effectual services they have rendered. You employed them on the occasion of the disturbances at Nottingham, at Bristol, at Birmingham, at Newport. You may allege that you are organising a rural police as a substitute; but surely, in the present condition of the country, it was unwise to throw away, at least to impair an instrument of proved efficacy for maintaining public tranquillity before any sufficient substitute was provided. I will not enter into the great department of foreign policy, for I have yet to answer all the questions that have been put to me as to the principles on which, if in government,

I would undertake to act. But do not construe silence into approbation : I see ample ground both for anxiety and for condemnation in reference to our foreign policy. There is but one remark which I will make. I cannot observe without deep pain, the indications of growing distrust and uneasiness in our relations with that powerful neighbour (France), with whom, for the interests of peace in Europe—for the interests of commerce—of civilization—of humanity, it is so important to maintain, not merely the relations of peace, but those of mutual confidence and good-will. Of course, I speak only of such a maintenance of those relations as shall be perfectly compatible with a studied regard on our part for national honour, and the rights of our own subjects ; but I shall deeply regret if a cordial good understanding between two mighty countries, the relations of which must influence the destinies of the world for good or evil, cannot be maintained consistently with every regard on the part of each for national dignity and national rights. I shall here close my enumeration of the grounds on which I withhold my confidence from the government, and shall now proceed to reply to the several questions which have been put to me respecting my opinions and intentions on various questions of public policy, the chief of which are the following :—The privilege question now pending, the Poor-laws, National education, the Reform Act, the Corn-laws, the Roman Catholic Relief Act, and the government of Ireland. It is said that I cannot venture to declare an opinion on these important matters, without at once exhibiting the divisions and dissensions which are alleged to prevail in the conservative party. But I declare, once for all, that I prefer incurring that danger, to the purchasing of a precarious support by the concealment of my views and intentions. I ask no man to relinquish his own conscientious convictions, in order that he may adopt mine ; but, on the other hand, I will not be the instrument for giving effect to opinions in which I do not concur, and no man shall have a right to upbraid me for having acquired his confidence by a pretended acquiescence in his views, or by a reserve liable to misconstruction. I am taunted with my inability to form an administration concurring with me on the matter of privilege, and able, through the support of its followers, to execute my intentions in that respect. This taunt surprises me. Suppose I could not rely for the support of my views, in regard to privilege, on my general supporters, how would my situation be worse than your own ? I was informed by the noble lord (Lord J. Russell) that without my support he had not the hope of maintaining, through its own authority, the privileges of the House of Commons. I was thanked by him publicly for the efficiency of that support, but especially thanked by him for having refused to make this a party question, and for having left each member to act on his own impressions and conviction. It is found convenient in this debate to take another course, to insist on the necessity of a government united on the question of privilege, and making it a party question, and to reproach me with the defection of my friends. On one account I rejoice in this rather inconsistent and ungrateful reproach. It is an evidence that the present government is united on the privilege question ; that those peers, including the Lord Chancellor, who are members of this government, cordially concur with their colleagues in the House of Commons, and are prepared, if necessary, to maintain in the House of Lords the course which their colleagues have taken here. I see then, (if this be the case, as it must be, after the taunts I have referred to,) the prospect of a solution of our difficulties. Let the Lord Chancellor, after the requisite previous communication to this House, introduce into the House of Lords a declaratory bill, ensuring both for the House of Lords and House of Commons the unquestioned exercise of essential privileges, and supplying the defect and imperfection of our powers to vindicate those privileges, especially during prorogation. The point, however, so far as this debate is concerned, is merely this, that if I should be unable to carry into effect my views as to privilege by the aid of my friends, and should be compelled to presume upon the honest support of my opponents, my position, as a minister, would clearly be no worse than yours. I come to the new poor-law. The leaders of the Conservative party have been accused of giving a lukewarm support to this great change in the social system, and (though we ourselves abstain from exciting the public mind) of having made no manly declarations of opinion in support of the law, calculated to discourage and repress the agitation carried on by others. Nay, I have been distinctly accused of having maintained silence on the

subject of the poor-law, for the express purpose of gaining support at the late general election, on account of the unpopularity of the law, and the clamour directed against it. I have disdained to notice these, and all similar accusations of the public press, false and malignant as they may be, in any other place than the House of Commons. I supported the poor-law in parliament when brought forward by a government which I opposed; and, let me add, if we, the leaders of the Conservative party, had followed the examples which we might have found in the conduct of former oppositions—if we had availed ourselves of the unpopularity of the law, and of the facilities it afforded for exciting public discontent, the law could not have passed. I shall continue to support the law; and in saying this, am I making a tardy declaration in its favour? am I justly chargeable with having declined my share of the responsibility attaching to it, or with having sought to profit, for party purposes, by the tacit encouragement of a cry against it? My own election was among the earliest at the general elections of 1837. I had to address my constituents in the open air upon the hustings. Then was the time for reserve about the poor-law, if I had wished to set the example of encouraging agitation for election purposes. Here is the speech which I delivered on that occasion. In the course of it I was interrupted by a cry, “Did not you support the poor law?” (This was my answer.) “There is no question of public concern from which I wish to shrink; and I tell you frankly that I did support the poor-law; and further than that, I admit that my opinion of its leading enactments and provisions is not changed. I did not support it for the purpose of making a reduction in the amount of the rates, which, in my opinion, is one of the smallest parts of the advantage derived from the measure; but because I saw the moral and social condition of the poor gradually lowered by the operation of the old poor-law; and I wanted, by an approved system, to elevate their character and improve their comforts. I wanted to see them raised from the dependent situation of supporting themselves by alms derived from the workhouse to a respectable station, earning their livelihood by their own exertions. These are the grounds on which I supported the bill. I did it out of real friendship for the poor, being convinced that it would secure their permanent interest and improve their condition. If, however, any of its enactments are harsh, I would have them revised and altered. I will not try to throw odium on others by declaring myself hostile to what I have supported. I believe the ultimate operation of that bill will be to raise the character and elevate the position of the poor in the social scale. Objectionable enactments I shall be glad to consider, and make any regulation to secure the comfort and well-fare of the poor.”

I adhere to the opinions I then expressed, and I ask any honourable man of those most opposed to me, whether I could have taken more effectual means of discouraging agitation than by such an address to my constituents, on the eve of a general election, frankly declaring myself in favour of an unpopular law? I am reproached with being indifferent to national education. I am hostile to your system of national education, but a warm friend to an extended education on right principles. I have no new declarations to make on this head; I adhere to the opinions I expressed last year. I would give every aid which the state could give to the extension of education on the following conditions:—that the instruction to be provided for the children of the Established Church should be based, not merely on religion, but on the peculiar tenets and doctrines of the church; that the church should be invited, nay, if possible, compelled, to take its full share in the education of its own flock; that you should not act as if you were jealous of the church in its own proper sphere of duty, as if you merely tolerated the church as an inconvenient encumbrance established by law of which you could not get rid; as if you were ashamed of those doctrines and principles which are the distinguishing marks of the creed which we profess. I would give the church ample means of extended education to all classes on such principles, but not the slightest power to interfere with the instruction of those who were unwilling to accept it, and I would not refuse to those who rejected it, and who dissented from the church, the means of education based on the great truths of Christianity. I would, in short, act upon the general principles on which parliament did act in the years 1836 and 1837. Some members have justified their support of the present government, while they profess no great respect for it, on the ground that the Reform Act would be endangered if those who were notoriously



hostile to the act during its progress in parliament were now in power, and there is a frequent attempt at ridicule of the "new-born zeal for reform," and the conversion of former enemies of the Reform Act into cordial friends determined to stand by every enactment of it. This is my case; and yet I see no ground for ridicule or reproach. What inconsistency is there, after a momentous change in the representative system has been effected, at the expense of great convulsion and disorder, in accepting that change as a final settlement, rather than seeking, directly or indirectly, to disturb it at the risk of renewed and more violent convulsion and disturbance, and with every prospect of ultimate defeat? I will maintain the Reform Act:—first, because I think it impossible to revive the system of representation which that act extinguished; secondly, because the professed friends and chief authors of that act are inclined to destroy the work of their own hands, and again to agitate for a new Reform Bill, based on more democratic principles. If I can resist them more effectually by maintaining, not every letter, not every palpable defect in the Reform Bill, but all its main provisions, than by disturbing the settlement which it made, where is the inconsistency in an opponent of the bill, during its progress, becoming a supporter after its enactment? In the progress of this moving panorama of questions, the view is at length presented of the Devonport election and the corn-laws. The Judge-Advocate came down to the House, with his pockets filled with scraps of newspapers, detailing the proceedings of the Devonport election, and the speeches of Mr. Dawson on the corn-laws. The right hon. gentleman inferred that I was a party to the declaration which Mr. Dawson had made on the subject of a modification of the existing corn-laws, and that I had employed Mr. Dawson as a convenient instrument for publicly notifying some change of opinion on my own part. Now, I assure the right hon. gentleman, that when he changed his own opinion on the ballot; when he, who was previously adverse to the ballot, and still doubts its efficacy, found it convenient, at the time of an election at Devonport, to signify to his constituents that he would in future vote for the ballot, I never inferred that his relatives (Lord Grey, or Lord Howick) had changed their opinions on that subject, and had employed his conversion as the signal of their own. I gave him credit for being allowed to exercise his own discretion on a public question, and to act independently without being subject to the control of others. Such, however, is not the indulgent construction which the hon. gentleman puts on the speeches of Mr. Dawson; and it becomes necessary for me, therefore, publicly to declare not only that Mr. Dawson's profession of opinion on the corn-laws was wholly unauthorized by me, but that I never had the slightest communication with Mr. Dawson on the subject of the corn-laws, either previously to the Devonport election or during its progress. Nay, more, I will also publicly declare, that on no occasion have I ever resorted to the paltry device of employing another person to speak my opinions, of putting forth a feeler, (as the phrase is) of making an experiment on the public mind, with a view of ascertaining the policy of maintaining or abandoning any given course. I should have credit for this, I hope, on my simple asseveration; but I will put it beyond all question as to the particular case which has been mentioned, assuring the right hon. gentleman that his surmise that Mr. Dawson was employed by me, in 1828, to indicate a change of opinion on my part on the Catholic question, is as utterly unfounded as his impression that Mr. Dawson's late speeches at Devonport on the corn-laws were made with my sanction or previous knowledge. When I saw, by mere accident, in some newspaper, that Mr. Dawson had expressed an opinion at Devonport in favour of an alteration of the existing corn-laws, and that an inference was drawn from this circumstance that my opinion had undergone a change, I wrote to Mr. Dawson, expressing my regret that he had not unequivocally declared to the electors that he alone was responsible for the opinions he was expressing, and that they were delivered without the slightest previous communication with me. I have not a copy of my letter, but I hold in my hand his reply, which will demonstrate the truth of what I am asserting. It is dated Devonport, 18th of January.—"I have received your letter, which I was unable to answer before, from incessant toil. It gives me great pain to think that you disapprove of any thing I have done. I was surprised to see the manner in which the few words which I uttered upon the corn-laws were taken up by the London press. If I had had any suspicion that my words would have been noticed at all, I should have made it dis-

tinely understood that I was expressing my own, and my own sentiments only, but it never occurred to me that such an explanation was necessary. I said generally, that my opinion might put me in opposition to the conservative party, without mentioning any names—a caution which appeared to me sufficient to prevent any misunderstanding—which words, I believe, passed unnoticed by the London press.”

This, probably, will be conclusive as to my responsibility for Mr. Dawson's opinions on the corn-laws. On that great question my opinions remain unchanged. I adhere to those which I expressed in the discussion of last year. I did not then profess, nor do I now profess, an unchangeable adherence to the details of the existing law—a positive refusal, under any circumstances, to alter any figure of the scale which regulates the duty on foreign corn. I did profess, and I now repeat, that I consider a liberal protection to domestic agriculture, indispensable, not merely to the prosperity of agriculture, but, to the general interests of the community—that I think a graduated duty, varying inversely with the price of corn, far preferable to a fixed duty; that I object to a fixed duty, first, from the great difficulty of determining the proper amount of it on any satisfactory data; but, secondly and chiefly, because I foresee that it would be impossible to maintain that fixed duty under a very high price of corn, and that, once withdrawn, it would be extremely difficult to re-establish it. I have reserved for the last place the most important questions of all; namely, those that are involved in the consideration of the Roman Catholic Relief Bill, the policy of maintaining it, the spirit in which, if maintained, it ought to be executed, especially with reference to the administration of affairs in Ireland. The question has been repeatedly and reproachfully put to me out of this House—Do I contemplate the repeal of the Emancipation Act? Do I sanction the proceedings of those who are exciting public discontent with its enactments with a view to the re-imposition of disabilities? Sir, I should be ashamed of answering such questions, of thus implying any doubt as to the stability and permanency of the Roman Catholic Relief Bill. Is there any man living who has greater interest than I have in maintaining that Bill, or who ought to view with greater pain obstacles to its satisfactory and conciliatory operation? Can it be justly required from me to contradict every newspaper report, to disclaim the speech of some utter stranger to me or my opinions, who may choose to declare his belief, that I repent of the part I took in the passing of the Relief Bill? Repent, indeed! My repentance must either be from conviction that my motives were dishonest or corrupt, or that the course I took in 1829 was justified by no considerations of necessity or true policy. As to motives, I may say, without presumption, that I can claim credit for one virtuous act in public life. I can claim credit for having incurred, in the performance of a public duty from which I might have shrunk, not merely obloquy and vituperation, but the heavier sacrifices of the alienation of private friends, the severance of party connections, the interruption of yet nearer and more binding ties. I say nothing of the loss of power. I look with scorn and contempt on the insinuations that, having opposed Catholic Emancipation while it was profitable to oppose it, I became a convert for the sake of retaining office. Who could doubt that the certain consequence of my proposing the Relief Bill must be that which actually followed—the loss of the support of those with whom I had heretofore acted, and the inability to conduct the government? The right hon. gentleman prophesies a speedy renewal of those feelings of dissatisfaction (disgust indeed, was the word he used) with which the Tory party viewed the course which my noble friend the Duke of Wellington and myself felt it our duty to pursue in regard to the Relief Bill. I do not deny the existence of those feelings at that time. They were prompted, I believe, and not unnaturally, less by the decision to which we came, than by the circumstances under which it was our painful duty to act—the apparent reserve which we maintained until the last moment—the apparent distrust of those with whom we had previously cordially co-operated in public life. The events of those days are now becoming matters of history; and I have been supported, through all the reproaches I have endured and the sacrifices I have made, by the conviction that justice must be ultimately done, and that the light of truth will at last dispel every mist, every shade on our character that imperfect knowledge and unjust suspicion may have thrown. Why did we conceal from our friends the course we had determined to pursue? Because we had not the power, consistently with our duty, with our solemn

obligations to the Crown, to declare it. Immediately after the session of 1828, my noble friend and I came to the conclusion, that it was impossible for us, as ministers, consistently with our views of the public interests, to continue our opposition to the settlement of the Catholic question. We felt it absolutely necessary that an united government should consider that question, either with a view to permanent resistance, or to early concession; and that we could not advise the attempt to form a government on the principle of permanent resistance. We felt deeply impressed with the belief that, in the state of the public mind, and in the state of parties at the time, that attempt must fail, and that its failure would only serve to aggravate every evil. It is notorious that the Sovereign in whose service we were, whom we were bound to advise, not as party-men, but as responsible ministers, had decided objections to the alteration of the then existing laws. Those objections were not abated or relaxed until a very short period before the meeting of parliament in 1829. It was not until the month of January of that year that we received permission to consider the Catholic question in Cabinet, and, if the Cabinet should be agreed, to tender our united advice as a Cabinet to his Majesty—his Majesty reserving to himself the entire power of acting upon or rejecting that advice. How was it possible for us, under such circumstances, to make any communication to our friends and supporters? My own impression in January was, that I should be permitted to relinquish office, being at the same time prepared, out of office, to make every sacrifice which the resolution zealously to co-operate with my noble friend in bringing this question to a settlement, might have required. I remained in office, because my assistance in office was absolutely indispensable; but so uncertain was I, so uncertain was my noble friend, of the tenure by which we held office, that on the very day before I brought forward the Catholic question in the House of Commons, we actually resigned it. I moved the Relief Bill in the House of Commons on the 5th of March, 1829; but it is the fact, that on the preceding day the Duke of Wellington, Lord Lyndhurst, and myself, after a long interview with his Majesty, at Windsor Castle, felt it necessary, on account of his Majesty's scruples with respect to parts of the intended measure of relief which we deemed indispensable, to tender our resignations of office. Those resignations were actually accepted, and we returned from Windsor on the evening of the 4th March, no longer ministers of the Crown. In the course of the night we were reinstated in office, having received from his Majesty the full authority which we required to proceed with the Relief Bill. Such were the circumstances under which we felt ourselves precluded from entering into communications on the subject of that bill, and of the course we meant to pursue, with a great body of attached friends and supporters, whose confidence and esteem were of inestimable value. There are some, however, who do not question the motives of our conduct in undertaking the Relief Bill, but deny the necessity for the measure. We felt the necessity imperative, not from the dread of violence, not from submission to menace, but from the fact that, in four out of five parliaments preceding 1829, the House of Commons had declared in favour of the measure, and that the influence of public opinion in this country, united with the undivided Roman Catholic feeling in Ireland, was too powerful to be resisted; or made it impossible at least to continue the system of open questions and divided cabinets. If it were no longer possible to maintain disabilities in 1829, surely to dream of imposing them now is among the wildest visions that ever disturbed the imagination. Repeal the Emancipation Bill!—and what next? Will you leave to the Roman Catholics the privileges which they held before the Relief Bill, and independently of it? But those privileges (the elective franchise in particular), and the substantial power which they conferred, were the main instruments by which the Relief Bill was carried. If you are prepared to withhold those privileges (and withhold them you must), the measure you advise is not the mere repeal of the Emancipation Act, but the retracing all the steps of gradual concession for a century back, till you remount to the penal laws, and absolute servitude. Can any man who reflects on the state of Ireland, and on its relation to this country, entertain for one moment so absurd a speculation? Then comes the question,—if the Relief Bill cannot be repealed, in what spirit shall it be executed? Shall it be nominally retained on the statute book, but be defeated, so far as civil office and distinctions are concerned, through the distrust of the Crown? I answer, decidedly not.

And is this answer now extorted from me for the first time? Is it true that I have countenanced, by silence, an opposite opinion? What could be more explicit than the declaration which I made—not in paragraphs of newspapers, but in my place in parliament, in the month of April of last year? I then observed,—“As the law has decreed a civil equality to all classes in Ireland, without reference to religious distinctions, the Crown ought not, by the interposition of its prerogative, to create practically a difference which the law does not recognise. I think the Crown ought to act on the principle of the law, and not make the religious opinions entertained by any man the ground of disqualification for the exercise of civil functions.”

I then claimed for myself what I now claim—the same right which you exercise, and which every government ought to exercise—that of preferring its own friends and supporters to such appointments as imply mutual trust and confidence, and which could not be usefully filled for the public service, without a concurrence in political opinions. But I added,—“I have never taunted the noble lord with selecting Roman Catholics for such appointments. I defy him to produce the instance in which I have sought thus to limit him in the exercise of his patronage.”

I adhere to these opinions; and having avowed them, not once, but repeatedly in parliament, I consider myself relieved from the necessity of recording them, during the recess, in letters to newspapers, or speeches after dinner. I readily subscribe to the position, that the Crown ought to act on the great principle of the law; but, in fully recognising the principle of civil equality as the rule of action for the Crown, I beg distinctly to declare that I consider it an abuse and perversion of that rule to patronise agitators, because they are Roman Catholics. I would place Roman Catholics, in this respect, on a footing of equality with Protestants; and, as I would withhold grace and favour from the Protestant agitator, so would I, without hesitation, withhold them from the Roman Catholic. There is but one qualification which I would place on the principle of civil equality, and that is a qualification distinctly recognised by the law, recognised by every advocate of the Roman Catholic claims; recognised and fully assented to by the Roman Catholics themselves. It is this, that concurrently with the enjoyment of civil privilege by the Roman Catholics, the Protestant Church shall be inviolably maintained as the Established Church, and protected in the possession of its rights and privileges as such. The respected authority of Mr. Grattan was decisive and unvarying in favour of the maintenance of this principle; every bill which Mr. Grattan brought in for the relief of the Roman Catholics recited, almost ostentatiously, in its preamble, the absolute right of the Established Church to protection: his dying declarations were in favour of the combined principle of civil equality, and the maintenance of the established religion in Ireland, as well as in this country. I will concede no support by the concession or compromise of that principle. I am accused, however, of having acted, in respect to the administration of Ireland, on a different system from that which I profess. I have had but a brief connection with the government of Ireland since the passing of the Relief Bill, but is it just to draw an unfavourable inference from the experience of that connection? In 1835, I was called upon to constitute a government for Ireland. Of whom was it composed? Of Lord Haddington, as Lord-lieutenant, an uniform and able supporter of the Roman Catholic claims, and the intimate friend of Mr. Canning; of Sir Henry Hardinge, as Chief Secretary, the friend and relation of the late Lord Londonderry. For the office of Lord Chancellor, I selected the chief ornament of the bar of England, a man conspicuous for the mildness and moderation of his opinions, who, in the course of his short career in Ireland, conciliated the esteem and respect of the bar in that country, and the warm approbation of his political opponents. My Attorney-general had been the Attorney-general of Lord Melbourne; my Under Secretary of State had been his; my Solicitor-general was Mr. Pennefather,—and can any man hear the mention of that name without admitting its claim to honour and respect? What better indications could I give of the intention to govern Ireland with justice, with impartiality, and with kindness, than such appointments as those to the chief offices that constituted the government? You complain of the injustice and absurdity of condemning the existing government of Ireland for trivial acts, such, for instance, as the invitation of Mr. O'Connell to the table of the Lord-lieutenant. Did you extend that forbearance to Lord Haddington's government? Is it not the fact, that the chief, almost

the only accusation that you could find to prefer against him was, that some vagabond waved an orange flag in a Dublin theatre over the box of the Lord-lieutenant? Do I make light of the studied exhibition of a flag, if intended as an insult? No; but I complain of the grievous injustice of making Lord Haddington responsible for an act of which he was utterly unconscious, and which he was the first to reprobate. I have done. I have fulfilled the purpose for which I rose, by specifying the grounds on which I withhold my confidence from the present government, and by declaring the course I mean to pursue on the great questions of public policy, on which the public mind is divided. I cannot answer the question you put to me, "What principles will prevail if a new government be formed?"—but I can answer for it, that if the principles I profess do not prevail, of that government I shall form no part. It may be, that by the avowal of my opinions, I shall forfeit the confidence of some who, under mistaken impressions, may have been hitherto disposed to follow me. I shall deeply regret the withdrawal of that confidence; but I would infinitely prefer to incur the penalty of its withdrawal, than to retain it under false pretences, or under misapprehensions which silence on my part might confirm. It may be, that the principles I profess cannot be reduced to practice, and that a government attempting the execution of them would not meet with adequate support from the House of Commons: still I shall not abandon them. I shall not seek to compensate the threatened loss of confidence on this side of the House, by the faintest effort to conciliate the support of the other. I shall steadily persevere in the course which I have uniformly pursued since the passing of the Reform Bill—content with the substantial power which I shall yet exercise—indifferent as to office, so far as personal feelings or personal objects are concerned—ready, if required, to undertake it, whatever be its difficulties—refusing to accept it on conditions inconsistent with personal honour;—disdaining to hold it by the tenure by which it is at present held. Every stimulus to continued exertion will remain. Every distinction that my ambition aspires to will be gained. I shall have the cordial co-operation of many friends whom I honour and esteem, and with whom I have acted from my first entrance into the troubled career of political life; with these friends also, not less honoured and esteemed, who, having made the noblest sacrifices of power and political connection to public principle, have been united with me by an overpowering sense of public duty. Above all other encouragements, above all other distinctions, I shall have the proud satisfaction of acting in entire and cordial concert with that illustrious man on whose right hand I have stood throughout the varying fortunes of the great contests of recent years, who is still devoting faculties, unimpaired by time, to the service of a grateful country, and achieving a reputation as a statesman, not inferior to his pre-eminent fame as a warrior, through the exercise of the same qualities, "rare in their separate excellence, wonderful in their combination," which ensured his military triumphs; the same acuteness, the same sagacity, the same patience, the same true courage, the love of justice, the love of truth, the noble simplicity of mind without fear, and without reproach. Encouraged by such an example, and supported by such aid—holding opinions which I believe to be the opinions of the vast majority of those intelligent and powerful classes which used to influence, and which ought to influence the constitution and the march of governments—the clergy, the magistracy, the commercial classes, the yeomanry of this country,—I can hardly believe that such opinions are incapable of practical execution. But be that as it may, of this I am sure, that they must so far prevail, that he who holds them will be enabled effectually to assist you (the government) whenever you resolve to refuse improper and dangerous concessions; and, if you are inclined to make them, to offer those impediments to your downward progress, which you will call obstructions to public business—which the country will consider the real guarantee that this free and limited monarchy shall not be converted, through the folly or the weakness of its rulers, into an unqualified and unmitigated democracy.

On a division the numbers were: Ayes, 287; Noes, 308; majority, 21.

## PRINCE ALBERT'S ANNUITY.

FEBRUARY 3, 1840.

Colonel Sibthorp proposed a clause, to the following effect, in Prince Albert's Annuity Bill—That should his highness reside for a less period than six consecutive months in each year within the United Kingdom of Great Britain and Ireland, or ally himself in marriage with any other than a Protestant, or himself cease to profess and adhere to the Protestant religion, such annuity shall wholly cease and determine.

SIR ROBERT PEEL:—I am perfectly satisfied of the purity of the motives which have actuated my hon. and gallant friend in bringing forward his present motion, and I think, moreover, that it is consistent with the most perfect respect and loyalty to the Sovereign, to take the course which my hon. and gallant friend has adopted, but at the same time I am bound to say, that I for one, cannot support his motion. Sir, I cordially supported the proposition of my hon. and gallant friend for reducing the grant to Prince Albert from £50,000 to £30,000; not, however, from any mistrust, or a want of confidence in Prince Albert, but because, on looking at the whole of the circumstances of the case, I thought £30,000 the proper sum to be allowed. I stated, then, that £30,000 was a sufficient sum to give to Prince Albert in the event of the death of her Majesty, an event which I, in common with all her Majesty's subjects, should deeply deplore—an event which I do not and will not anticipate—and I still am of the opinion that such a sum is a reasonable allowance to make in case Prince Albert should survive her Majesty. I went, however, further than this, and I said, that, in case Prince Albert should become the father of a family, then I thought £30,000 would be an inadequate allowance, and that I had no doubt, in such a case, the House would be ready to consider the propriety of voting an addition to the £30,000. Sir, it is infinitely better not to show any distrust, and under any circumstances, I said it was not only needful, but wise on the part of this House to evince unlimited confidence in, and a total absence of mistrust towards Prince Albert. I could, Sir, if it were necessary, assign reasons in detail to show that that part of the proviso of my hon. and gallant friend with respect to residence could not be defined, and, in short, that any attempt to define it, would gain no useful object. There can, I think, be little doubt that after his connection with this country, Prince Albert would, in the event alluded to, be most likely to take up his residence here; and hence it is that I beg to suggest to my hon. and gallant friend, that it is perfectly impossible for me to agree with this part of the proposition which he has submitted for the consideration of the committee. The proviso then goes on to state that the annuity shall cease and determine in case his Serene Highness “shall cease to profess and adhere to the Protestant religion as by law established within these realms.” Now, sir, it is not at all required that the consort of her Majesty should profess the religion as by law established in these realms. It is not necessary that he should be a member of the Church of England. That is not an indispensable qualification to enable a foreign prince to become the consort of her Majesty. It would be hard of you to propose to a prince who belonged to another form of Protestantism, that because he married her Majesty, he should become a member of the Church by law established in these realms. I do not know to what peculiar Protestant faith Prince Albert belongs, but suppose him to be a member of the Lutheran Church. That is clearly not a disqualification to his marrying her Majesty; and, if such be the case, would it not be hard to say to him, that, being a Lutheran, you may marry her Majesty, but in the event of her death, you shall not be entitled to your annuity, unless you are a member of the Church as established by law in these realms? I think, Sir, it is not necessary for me to say more on this point, and I have now only to repeat, that I gave my vote for the £30,000, because I did not wish it to appear that we had any want of confidence in, or any mistrust of, the illustrious prince who is about to be so intimately connected with the destinies of this country.

Colonel Sibthorp ultimately withdrew his motion, the clauses of the bill were agreed to, and the House resumed.

PRIVILEGE—STOCKDALE *v.* HANSARD.

MARCH 6, 1840.

In the debate on Lord John Russell's motion, " That leave be given to bring in a Bill to give summary protection to persons employed in the publication of parliamentary papers,—

SIR ROBERT PEEL was surprised to find that the hon. member who had just sat down (Mr. Gisborne), would not be able to fight under his banner now, in the effort to relieve the House from its present difficulty by means of a legislative measure, because from the very first he had said, that, so imperfect as their powers were to maintain those absolutely essential privileges, he did foresee that they would ultimately be obliged to proceed to legislation. He had said the House ought to support its privileges by all the powers which it possessed; he had at the same time told them that he anticipated failure, but that he considered that no reason why every effort should not be tried to vindicate their privileges. He foresaw that at last they would have to resort to a legislative measure, and he did suggest the bringing in of a bill to settle the question. But an argument was now used, by which it was contended, that if this question were to be settled by legislation, all the other privileges of the House ought to be confirmed in the same manner. Now, he should have no objection to such a course, if he could find a means of defining all the other privileges of the House, but no other privilege was called in question, and he could not anticipate that any other would be called in question. If any other were to be called in question, he should then propose to take such efficient measures as would be adapted to the circumstances. But if he were to attempt to settle the privileges of the House, by Act of Parliament, there would be great danger of omitting some essential privilege in such an enactment, and of thereby implying that no such privilege existed. That was his objection to any attempt to legislate upon every privilege of the House. In assenting to take the course now proposed to be taken, he adhered as strongly as ever to his original opinions upon this subject; he still thought an unlimited power of publication necessary to the proper discharge of the functions of the House; he still was of opinion that the judgment of the Court of Queen's Bench was altogether unwarrantable and irreconcilable with reason, and that it did not at all correspond with the grounds upon which it professed to be founded. He had distinct declarations from his right hon. friend, who had filled the office of Lord Chancellor of Ireland, for whose opinions he had the highest respect, and also from another learned friend of his, for whom he had equal respect, and who was one of the highest and most distinguished ornaments of his profession, not only among those of the present day, but of any time whatever—he had from those hon. and learned friends of his, a distinct declaration, that they thought the House of Commons possessed the right of publishing its proceedings. The difficulties, therefore, that had arisen out of this question, were not to be attributed to any extravagant or unfounded pretensions urged by the House of Commons, but to the judgment which had been pronounced by the court of law. The House was bound not to resort to legislation until it had, in the first place, tried how far the powers which it undoubtedly possessed were sufficient for the vindication of its privileges. And already the House had established one privilege by the course which it had taken. The power of imprisonment for breach of privilege was now established beyond question. They had compelled the court of law to recognize this power, and it was one which, having established, he would go on to exercise, if he did not expect still more effectually to protect the right of free publication by other means. If he failed in the attempt, he did not see that the failure would place the House in any worse situation. Indeed, he doubted whether the attempt and the failure would not fortify the House in the exercise of those powers which it now possessed, which he considered insufficient for the due vindication of its privileges. These powers he considered to be incomplete and imperfect, and their imperfection was the sole reason that induced him to resort to legislation. In the first place, they were imperfect as regarded time, the power of the House being limited by the duration of the session; the law denied the House the power of prolonging the penalty of imprisonment beyond the end of the session; during the recess, therefore, the printers of the House

would be liable to be continually harassed by actions at law, and, in consequence of the improvement that had taken place in the forms of pleading, those actions might now be brought to an issue much sooner than they could formerly have been. Now, the House had resolved not to plead, and it could not rely upon the protection of the court; was it then fit or decent that the printer to the House of Commons should, during the recess, be harassed by these proceedings for executing the orders of the House? Was it not a great, a monstrous indignity? He was told the House had a remedy—that it might be adjourned and not prorogued; but was it necessary to deprive the Crown of the great constitutional power of proroguing parliament, in order to protect the printer of the House of Commons against such an individual as had originated these proceedings? Could a greater degradation be imagined to any constitutional authority than that it should be compelled altogether to abandon the power of prorogation, and resort to adjournment, for the purpose of protecting the servant of the House of Commons? What right would the House have to ask the Crown to render permanent the sittings of parliament? It was surely better to resort to legislation, than to such inconvenient expedients as these. His hon. and learned friend, the member for Exeter, had asked, why the House had not appealed from the judgment of the Court of Queen's Bench by writ of error? It was indeed said, that a different opinion from that given by the Court of Queen's Bench was now held by the judges; but let the House consider whether, if any change had taken place in the inclination of the minds of the judges, the discussions that had taken place in that House had not contributed to bring about such a change; and then let the House recollect, that the writ of error must have been brought immediately after the second action had been disposed of. He doubted whether the issue of the proposed appeal would, at that period, have been in favour of the House. The expediency of the course that had been taken must be judged by the state of things which existed then, and not by any change which might be supposed to have taken place since. If, then, the House had appealed, and the result of the appeal had been unfavourable, what was to be done? Ought the House to have stopped there, or to have appealed again, and to have submitted their privileges to the decision of the House of Lords? He knew there were many who now found fault with the course which the House had adopted, and advised an appeal to the fifteen judges, but who, nevertheless, recommended the House to stop there, and not to permit the House of Lords, in its judicial capacity, to give the final decision upon their privileges. But it appeared to him that, whatever might now be the result of an appeal to the fifteen judges, there was not, at the time when such an appeal must have been made, sufficient probability of a favourable result to justify the House in taking that course. The power of the House, therefore, according to the existing law, was limited in regard to time. Now, he asked, whether this power, while it lasted, was sufficient to prevent the plaintiff in an action from levying damages? They had committed the plaintiff, the plaintiff's attorney, the attorney's clerk, and also his son; they had exercised the powers which they possessed largely, and without much restriction: but could they practically prevent the plaintiff from getting possession of damages? If they could not, what was to be done? He saw the difficulties that would attend legislation upon the subject, but if, notwithstanding the privileges of the House, every one had it in his power to levy damages of £600, for a libel contained in the papers published by their orders, would they not give parties encouragement to prosecute actions against the printer of the House? He was told he ought to go on in the course in which he had commenced, and he was ready to do so if any effective security could be obtained against the recurrence of such proceedings; but if Mr. Stockdale got out of prison at the end of the session with the £600 in his pocket, he would, in all probability, be very well satisfied with the result. Suppose, in the action now pending, damages were given of fivefold the amount of the former, how could the House prevent the plaintiff from receiving those damages? And then, at the end of the session, what a degradation it would be when the House, after all the proceedings which it had taken, had to vote a sum of £8,000 or £9,000 to defray the expenses of those actions! For the House could never be so unjust as to say to their printer, "Wait till we get the money from the sheriff, and then we will repay you the expenses which you have been put to for obeying our orders." The House could not get the money from the sheriff, and therefore it must be raised by a vote of the



public money. In the mean time the servant of the House, an innocent man, was treated like a criminal, his goods were seized, and £600 damages were levied; the loss, indeed, could not be estimated by the mere amount of damages, for the annoyance and anxiety to which Mr. Hansard had been subjected must also be taken into consideration. A vote of public money for such a purpose would surely be a degradation to the House. Well, then, could the House avoid it? Had it any means of escaping from the necessity of such a vote? If it had, well and good; if not, was it not expedient to try whether it was not possible to give efficient protection to their servant by means of legislation? It was said, that by legislating on this particular privilege they would prejudice the rest; he admitted that such an argument was deserving of consideration, but why should not a balance of inconveniences be struck in this case, as in all other human affairs, and why should not the course to be pursued be decided by the result of that balance? It was very well to say the House ought to go on with the conflict, but was not a succession of conflicts with such persons degrading to the House? Was it fit that their time, which belonged to the public, should be wasted, night after night, in such contests? Consider, too, the constitution of the assembly engaged in them; a single judge could effectually enforce and carry out the resolution to which he had come, but, in the House, every act, every exercise of power, must depend upon the will of the majority. That was one of the inconveniences arising out of the constitution of a popular assembly: there would always be a difference of opinion, there would always be some opinion favourable to the party against whom proceedings were taken, and who would be encouraged by such opinions to resist the authority of the House. Thus, a man who could obtain no respect in the circle in which he lived, was raised by his conflict with the House to such an elevation, that his private character and his motives were wholly lost sight of. He was only regarded as the asserter of a great public principle, and found ranged upon his side, men who entertained the greatest contempt for his private character, while men of the highest honour were co-operating with him, and this night after night. He (Sir R. Peel) doubted whether the power of imprisonment which the House possessed was as effectual as it was considered to be; he doubted whether this exercise of it would not involve the House in a series of contests, perhaps interminable. Let them not rely on the effect of committing the first counsel who appeared against them; others would come forward,—for the spirit of party, and the desire of distinction were equally strong with the fear of punishment, especially when the punishment was inflicted in pursuance of what they would consider to be an unjust sentence. He doubted, therefore, whether imprisonment would produce the effect expected from it; but supposing that it would, still, if it were possible to legislate on the subject, consistently with the safe custody of the other privileges of the House, he would much rather make the attempt, than continue to be engaged in these nightly contests. Much, no doubt, would depend upon the form of the measure, but he gave his cordial assent to the proposal to bring in a bill, reserving to himself, of course, the right of expressing his opinion upon its details. He could not think their privileges would be endangered by passing such a bill. Reference had been made to the measure which had been passed to regulate the trial of election petitions; the House, on the occasion of passing that measure, had asked the House of Lords to concur in giving greater powers to the House of Commons; and yet he could not consider that their privileges had suffered any damage by this appeal to the other House, or that their powers were less complete than before. The same course had been previously taken, when the Grenville Act was passed, to remove the great embarrassment which had previously existed in the trial of election petitions, and yet this act had never been considered prejudicial to the privileges of the House. He did not see why any greater prejudice should arise from inviting the House of Lords to co-operate with the House of Commons in passing such a measure as was now proposed. Suppose the House of Lords attached to the bill any unreasonable condition; suppose, for instance, it insisted on an abandonment of the right of selling papers on the part of the House of Commons; it would be perfectly in the power of the House to reject such an addition to the bill, and if it were insisted upon, to refuse the bill altogether, and to fall back on the powers which the House had already exercised, and which would be in nowise injured by such an attempt. They had proved that they possessed the power of committing the plain-

tiff and the sheriff; why would they not be equally at liberty to do so again, if they failed in their attempt at legislation? If the House could put other powers which it claimed, in the more definite form of a legislative enactment, he doubted whether their exercise would not be rendered more acceptable to the public by the adoption of such a course, and he could not help thinking that the attempt to take such a course on the present occasion would, if the House of Lords refused to pass a proper measure, fortify the House of Commons in the forbearing, moderate, and temperate vindication of its privileges, by such means as it now possessed. He hoped, however, that the House of Lords, seeing the practical embarrassment that had arisen, and seeing that the difficulty that had arisen was owing to no fault on the part of the House of Commons, but solely to the judgment which the court of law had thought fit to pronounce, would give the House of Commons such a measure as would be acceptable to it, and as would enable them effectually to exercise those privileges which were essential to the due discharge of its duties. He at first thought that it would have been better for this bill to have originated in the other House, but he had now changed that opinion, for he did not think that the House of Lords could have originated such a measure, without a previous communication with the House of Commons, and it appeared a more dignified proceeding for the House of Commons to originate this bill, than to ask for a free conference with the other House for the purpose of stating the inconveniences to which the House of Commons was now exposed, and asking relief at the hands of the House of Lords. He very much doubted whether the best course was not to present to the House of Lords such a bill as they considered would be the most effectual for the better protection of the right of publication, and, at the same time, most consistent with the maintenance of their other privileges. On these grounds, which he had always entertained and expressed,—admitting his apprehension that in the result their powers would be found incomplete,—his unwillingness, and he had never disguised it, to proceed to that step which he considered alien to the feelings and spirit of the present age, he meant committing the judges to prison—the unfitting collision between the highest authorities in the State; for after all, the effectual protection of their privileges in this contest must depend on the assistance of the Crown, they must address the Crown, and they must also rely in some measure on another branch of the legislature; yet, believing that, unless something effectual were done, the House would have to enter into contest, not merely with ministerial officers, but into personal conflict with the judges themselves,—believing that public opinion was decidedly in favour of this privilege, that the House of Commons, as the great inquisition of the country, the inquirer into abuses, the detector of corruption, the originator of wise legislation, should not be deprived of powers it had possessed for 150 years, to publish the grounds of its decisions,—believing that sound public opinion, though partially differing as to the best mode of vindicating it, was in favour of the House upon the main question, and he thought it most important, he had never concealed it, that the representatives of public opinion should be backed by that opinion, as to the possession of the privilege,—firmly believing that public opinion, the sound part of it, formed on deliberation, would rather be in favour of permanent assured protection to their officers, by the intervention of the law, than that they should maintain it by what might otherwise be unavoidable,—personal conflict with the judges, thereby setting an example of lowering the authority of the bench, on the respect and veneration for which, depended the best interests of the country;—on these grounds, professing a determination to look narrowly at the provisions and recital of the noble lord's bill, and foreseeing the immense difficulty of practically maintaining their privilege under present circumstances, the sacrifice of public time that must be unavoidable, the constant conflicts between the House and perhaps the lowest member of the community with whom they might hereafter have to deal, he was inclined to think that the wiser course was to submit to the House of Lords that measure which, on the one hand, was considered most likely to give effect to the right of publication, and on the other, not draw into question other privileges which were equally essential to the due discharge of their legislative functions.

Leave given, and the bill brought in and read a first time.

## THE CORN-LAWS.

APRIL 3, 1840.

In the third night's debate on Mr. Villiers's motion, "That the House resolve itself into a committee of the whole House, to take into consideration the Act 9 George IV., regulating the import of foreign grain,"—

SIR ROBERT PEEL said, the hon. gentleman had, he thought, mistaken the intention of those on that (the Conservative side) of the House, who had indicated by a cordial cheer, their sincere approbation of the sentiment expressed by him, and he must say, he regretted to perceive that the hon. gentleman, when he uttered that sentiment, appeared so totally unconscious of the appropriateness of it. The hon. gentleman seemed to think that the cheer meant to convey some kind of taunt or imputation on him, for having referred to a dissolution or some other political event, and he said that he thought the period was arrived when those who were entrusted with the functions of legislation and government, ought seriously to consider this question—that there was a great anxiety in the public mind on the subject—that great doubt and anxiety pervaded the public mind; and then, again, the hon. member said, that a period was arrived when those who were responsible for the conduct of the government and of legislation, should seriously apply themselves to this question—that if they preferred the maintenance of the existing law, they should state their determination accordingly—that if they were in favour of the repeal of the Corn-laws, that then they should compose the agitation of the country, by sending forth a measure of repeal; and that, if they were in favour of modification, then that they should, as a government, prescribe the limit and extent of that modification, and convey to the country the impression that the government were united upon that great question, which was now becoming more and more environed by practical difficulties, increased by the apparent discordance of the most important members of the government. The hon. gentleman's remark was perfectly just—so much so, as almost to lead to the inference, that the hon. member was reading an intentional lecture to his right hon. friends around him—that he meant to convey a covert satire on their indecision and vacillation, and to teach them the important truth, that a period had arrived when those entrusted with the functions of government ought to speak some common language on this subject. For how much did it increase the difficulties of this question, when the right hon. gentleman, the President of the Board of Trade, declared it to be his fixed opinion, that it was absolutely necessary to the increase of our exports of manufactures to the continent, that we should take the corn grown on the continent; and when almost on the same day, the First Lord of the Treasury said, "Alter the Corn-laws if you please, but foreign countries will not be induced by it to take your manufactures in greater quantities." Why, when the head of the Treasury department entertained and avowed these opinions, and when the head of the commercial department entertained and avowed opinions that were directly the opposite, was it to be matter of surprise that agitation should have greatly increased, and that the practical difficulties attending the question should have been greatly aggravated? And this it was that caused the sentiments expressed by the hon. gentleman opposite, to have been received with such cordial approbation on that side of the House. His wish was to discuss this great question in no other temper than that which was befitting its great and its extraordinary merits; but, while he did so, he could not but refer to the unfair, to the unworthy artifices that had been resorted to for stirring up the passions of the multitude, and of exciting their temper; but, while he did this, he, at the same time, would not identify with such unworthy advocates of the cause, the great manufacturing interests of the country. He was not one who would depreciate either their numbers or their importance; and he would say, that no indignation that arose in his mind against those who, instead of promoting, were, he believed, really injuring their own cause—he would say, that no indignation with regard to them should prevent him from giving to a subject connected with the subsistence of the people, and affecting the permanent and most vital interests of the country, that calm and that serious deliberation to which it was so fully entitled. He thought, then, that the best

course that he could pursue for the purpose of limiting, as far as he possibly could, the observations with which he meant to trouble the House, would be to consider the main arguments which had been chiefly relied upon by those who had addressed them in favour of a repeal of the Corn-laws. He wished to evade nothing; but at the same time, to follow out the desultory details of a discussion which had now continued for three nights, would certainly lead him into arguments beyond the limits which he had prescribed to himself. He wished to state, in the first instance, what it was that he considered to be the main arguments—and he could only say, that if any one suggested to him that he was giving an unfair summary of the arguments, he was perfectly ready to correct it, and to add what to others might appear to be an argument of primary importance. But he thought that he did not state the arguments unfairly, when he represented the sense and purport of them to be this. First, that the operation of the existing Corn-laws had led to a great deal of bullion from the bank, and that a material derangement of the currency took place in consequence in the years 1838 and 1839. Second, that there had been a great fluctuation in the price of corn, caused by the operation of the Corn-laws, deranging commercial speculations, the varying price of grain having a tendency to derange the manufacturing interest. And, third, that the experience of the last year had shown a great depreciation of the manufacturing interest of this country; that there had been a great decline of internal consumption, and a great depreciation of the manufacturing interest, and that the decline in internal consumption, and the depreciation of the manufacturing interest, were to be attributed to the operation of the Corn-laws. He thought that he had thus stated fairly the three leading articles which were mainly relied upon against the present Corn-laws. And now, first, with respect to the derangement of the monetary system of the country, and the drain of gold, and that drain being attributed to the Corn-laws—that a sudden demand for corn had led to an immense importation, and that in consequence of the suddenness of the demand, there was no corresponding export of manufactured articles; that the corn imported had necessarily to be paid for in gold, and that the stock of gold in the bank must necessarily be exhausted. They could not deny that there was a derangement in the course of the years 1838 and 1839; but, then, when it was assumed that the Corn-laws must necessarily be the cause, he denied that inference. He denied that the Corn-laws had caused all this—that they caused that demand for corn which necessarily led to a derangement of the monetary system, and a drain on the specie in the bank. In the first place, the same derangement took place in other countries, where it was impossible that this cause could have operated. The same derangement took place in France. There had been the same derangement in the monetary system; and there had been the same drain for bullion, which involved necessarily a suspension of cash payments, in the United States, under circumstances which showed that it was perfectly impossible that it could be attributed to any cause like the operation of the Corn-laws. It was perfectly plain that those derangements might take place from other causes than the operation of the Corn-laws, and the suddenness of a demand for corn. He said that there had been the very same derangements in this country, when it was utterly impossible that the Corn-laws could have effected them. In 1825 there had been a great derangement of the monetary system—there had been a great drain of bullion, and this country then appeared to be on the eve of suspending cash payments. He was one of those who at that time advised the bank to pay away every portion of its bullion (to its last shilling) before it suspended cash payments. Nothing, in his opinion, could be more destructive to the bank than the suspension of cash payments, and, in his opinion, there would have been less of panic by the bank endeavouring to the very utmost to fulfil its obligations. Such was the condition of the country in 1825, when the state of bullion in the bank led to the greatest alarm. Now, in 1825, it was utterly impossible that the operation of the Corn-laws could have contributed to produce the drain he had spoken of. In 1825 there was no import of foreign corn which could have produced that drain. In 1823, in 1824, and in 1825, the whole amount of foreign wheat imported was 200,000 quarters; and yet it was during that period that the currency had been greatly deranged, and that the drain of specie had arisen. The causes were quite unconnected with the operation of the Corn-law. In 1836 there was the same derange-

ment of the monetary system, and there had been a great drain of specie. In 1836 the drain of bullion was this:—From July 1836, to December in the same year, the bullion in the bank had diminished from £7,362,000 to £4,545,000. Could the Corn-laws have caused that drain? In 1836, there had been no import of foreign corn whatever. In 1833, 1834, and 1835, the total and entire consumption of foreign corn was not 200,000 quarters. The Corn-laws had no operation whatever, and yet there had been a great derangement of the currency, and a great drain of specie. He pushed that argument no further than this—that it could not be asserted with certainty that the Corn-laws caused the late derangement, because he had shown that the same derangement had happened in countries wherein the Corn-laws could not have produced that derangement, and that it did happen in this country so recently as the years 1835 and 1836, when the Corn-laws had nothing to do either with causing a derangement of the currency, or a drain of specie. But then it must be admitted, that in the years 1838 and 1839, there were three concurrent events—there was the derangement in the currency, there was the drain of specie, and there was an immense import of foreign corn; and it was possible that the Corn-laws—he said it was possible that the Corn-laws might have been the cause, in this instance, of that which was attributed in former periods to other causes. He said that it was possible—he knew that it was very easy to assume that they must be the cause. He would be glad that hon. gentlemen who cheered would prove it. He had heard many in this debate make assertions which they had put forward in former debates; but he did not think that he had heard arguments from them, and, therefore, he was anxious to have heard from them something like argument, rather than an inarticulate cheer, as if that could carry conviction to intelligent minds. That the operation of the Corn-laws might have some effect upon the currency, it was impossible to deny. But then the question was, not whether the suddenness of the demand was an evil, of that there could be no doubt; but whether they could take any means of defence against it? It was impossible to deny that it must have a partial effect; but then, seeing that the price of the article, and seeing that the quantity depended as well upon the uncertainty as the vicissitude of the seasons, how could they take any precaution by human prudence or human legislation against the recurrences of sudden necessity. If hon. gentlemen took it for granted that the Corn-laws must have been the cause, he could only say, that he had read with great attention the statements of those who were most prominent in discussing the operation of both currency and Corn-laws, and he certainly did not find that they attributed to the Corn-laws exclusively the derangement of our monetary system, which had, unfortunately, taken place. On the contrary, they distinctly assigned other causes as having had a very material influence in producing that effect. Of course, the parties on whom, in a matter of this kind, he should chiefly rely, were those who now put themselves forward as the most strenuous opponents of the existing Corn-laws, and the advocates of their total and unqualified repeal; and he thought that, when he found them assigning other causes as having contributed to produce the state of things to which he had alluded, he was entitled to attach great weight to their authority. He would mention particularly the president of the Chamber of Commerce at Manchester, who had supplanted the member for Kendal, on account of the unsatisfactory character of the speeches delivered by him last year. Surely no hon. gentleman opposite would contest the authority of the president of the Manchester Chamber of Commerce, the representative commercial body of the greatest manufacturing district in the empire. The president of this body was a gentleman of the name of Smith, a most active opponent of the Corn-laws, and, he believed, the chairman of the convention which was now sitting in London. In the course of this very year, the local body over which that gentleman presided, and himself at the head of it, had come forward, at the same time that they were agitating against the Corn-laws, to give their opinion as to the specific causes of the monetary derangement of the country. He wanted to show hon. gentlemen opposite, that whatever might be their opinions as to the extensive operation of the Corn-laws, the chief agitators against them assigned perfectly different and distinct reasons, combined certainly with that operation, for the derangement of the currency complained of. If he attempted to give a summary of this manifesto, which was a report from the Chamber of Commerce at Manchester, it might be thought that he

would present an unfair view of the arguments, and, therefore, he should prefer making use of the summary, given by a gentleman who was also an opponent of the Corn-laws, who had written with great ability on the subject of currency and banking, and whose opinions were entitled to the greatest weight from the respectability of his private character,—he meant Mr. Jones Lloyd. And this was the account which Mr. Jones Lloyd gave of the grounds which the Chamber of Commerce had for impeaching the Bank of England, and the reasons they assigned for the late derangement of the currency, and the drain of gold. Mr. Lloyd states the report to be this:—

“1. That the alternations of excitement and depression in trade since 1835, and especially the events of this character which have occurred during the years 1838 and 1839, are to be attributed entirely to mismanagement of the circulation.

“2. That this mismanagement of the circulation is altogether the result of the improper measures of the Bank of England.

“3. That the cause of this misconduct of the Bank of England is to be found in the undue privileges possessed by the bank; in the available capital on the part of the bank, which renders it impossible for it to conduct its affairs with advantage to the interests of the manufacturing and commercial community; and in the fact, that the power over the currency is vested in twenty-six irresponsible individuals for the exclusive benefit of a body of bank proprietors.”

That, then, was Mr. Jones Lloyd's summary of the reasons alleged by the Chamber of Commerce for the late monetary derangement. Mr. Jones Lloyd stated reasons perfectly distinct from the Corn laws, and he did not make the Corn-laws mainly responsible for the derangement of the currency. Mr. Jones Lloyd said, that the Corn-laws increased the evil; but then that there were other causes not noticed by the Chamber of Commerce which materially increased the derangement, and the principal one was this, that the Bank of England did not exercise, and could not exercise, a control over the issues of joint-stock banks and private banks; that when the bank of England controlled its own issues to act on the exchanges, the tendency of joint-stock banks and of private banks, was not to correspond with that conduct pursued by the Bank of England; and Mr. Jones Lloyd observed, that the Chamber of Commerce in Manchester was in error, not to have noticed that want of control in the Bank of England. He used this language—“But if the management of the circulation has been vicious during 1833 and 1839, who, we must inquire, has been the principal sinner? Look at the returns of the country issuers; you will there observe a progressive and large increase of issues through the whole period; an increase steadily maintained against decreasing bullion, and unsanctioned by any corresponding increase on the part of the Bank of England.”

Mr. Jones Lloyd did not ascribe the evils of the currency to the Corn-laws, but to the manner in which functions that were incompatible with each other were left to the Bank of England. When Mr. Jones Lloyd said this, was he then not justified in assuming, that though the Corn-laws might have aided in the present derangement, yet there were other and more peculiar causes in operation tending to disturb the currency? Nothing, then, could be more unwise than for that House to act on the assumption that the Corn-laws were the entire cause of the derangement. That was the answer he gave to the hon. gentleman who said he was anxious to hear from him, what other cause there could be than the Corn-laws for the monetary derangement of the country. He gave to the question a satisfactory answer, not founded upon any assumption of his own reasoning, but upon the opinions of those who took an active part against the Corn-laws, and who attributed it to the banks and to other causes. It was not then to Corn-laws that they were to attribute it, but to the arrangement respecting the control over the issue. [Mr. Clay—It was to be attributed to both.] He was glad he had been able to get the hon. gentleman to go so far. Upon the previous night, the hon. gentleman had said, the derangement was owing exclusively to the Corn-laws—now he was for dividing the responsibility; perhaps if he (Sir R. Peel) had spoken on Monday night, instead of the hon. gentleman laying the whole blame upon Corn-laws, he would have declared they had nothing to do with it. He did not deny that Corn-laws would aggravate the evil, but he denied that they were the exclusive cause of it. To deny that their tendency was to increase pre-existing evils arising from other causes, would be un-

candid and unwise. He was not satisfied that an alteration in the existing Corn-laws would afford them a remedy, or that the evil was one that could be corrected by any legislation on the subject. He thought that quite impossible in an article like corn, which was not an article of manufacture, and the supply of which could be accommodated to the demand for it. Corn was an article which depended upon the dispensation of Providence—it was an article of production which it was impossible to control by human legislation—it was impossible to prevent in time of scarcity a sudden demand for corn from foreign countries; and he greatly doubted, if they discouraged the production of corn at home—if they became dependent for their supply upon foreign countries—if then a time of scarcity should arrive—if there should be a succession of bad seasons—if there should be a deficiency of produce not merely in this country, but in other countries of Europe, which were frequently, if not generally, subject to as much vicissitude of season as this country—then he doubted whether they would not have great cause to regret the derangement of the home produce—seeing that there was a limited supply at home, and that they were dependent on foreigners, who, influenced by no hostility, but pressed by necessity to provide for the wants of their own people, would find imposed upon them the necessity of interdicting the export of that corn which they required for their own use. Under such circumstances, he feared that there would be a still more sudden demand, and still more deficient supply, and that the evils of deranging the currency, and of a drain of bullion, would come upon them at a moment of deficiency and of scarcity, and when they would be forced to encounter evils far greater than any that now existed. The next objection which was made to the Corn-laws was the great fluctuation which they caused in the price of corn, and the great uncertainty which they introduced into the traffic in corn, and the consequent derangement they caused in the commercial intercourse between this country and foreign powers. Now, neither upon this point would he pretend to deny that there had been great fluctuation in the price of corn, greater fluctuation than he wished to see in an article of such general consumption; but at the same time he doubted whether it would not be found, upon examination, that there had been a great or greater steadiness under the sliding scale, as it was called, than could be hoped for under any other system; and here again he would say, that with respect to an article of food, there was in itself a cause which materially affected its price and value under changing circumstances, and upon this point he would beg to quote the authority of a writer who was entitled to very great respect on all points connected with the fluctuations of price, namely, Mr. Tooke. Now, what was the principle laid down by Mr. Tooke with regard to the liabilities of this particular article corn to fluctuation? He begged to say, that what he was about to quote was rather the summary of the evidence of this gentleman before the committee of the House, than an exact transcript of his answers, but he believed it would be found to be a faithful report of what he said on that occasion. Mr. Tooke said, that “the deficiency or excess in the supply of corn, as compared with the average consumption of it, was a question attended with greater difficulties than most other articles of consumption. This observation was confirmed by a reference to the fluctuations in the price of corn, which could apparently be referred to no other cause.” Now, he would beg to compare the fluctuations which had taken place in the price of corn since the present Corn-laws had come into operation, with the fluctuations in former periods before the traffic in corn was made a subject of legislation. It was all very well to take the highest price of one week at 70s., and that of another at 170s., and say there was a difference of 100s.; but let them take the whole variations in the annual averages since the year 1829, and compare the fluctuations with those of former periods, not at the periods of defective legislation in 1815 and 1822, but in periods anterior, when this country was an exporting country, and the Corn-laws could have had no effect upon this trade, and he did not think that this sweeping condemnation would be found to be justified. Now, since the year 1829 to the present time, the annual averages gave an average upon the whole period of about 52s. or 53s., a price which he thought was hardly to be complained of. He would certainly admit, that if it were to be found that, during that period, there had been great alterations from year to year, that would be a great objection to the present system. But he did not think it would be so found. He supposed that the figures which he was about to quote,

would be admitted by the opposite party to be correct, as they proceeded from a body calling itself the Anti-Corn-law Association. In 1829, the average price of wheat was 66s.; in 1830, 65s.; in 1831, 66s.; in 1832, 58s.; in 1833, 52s.; in 1834, 40s.; in 1835, 39s.; in 1836, 48s.; in 1837, 55s.; in 1838, 64s.; and in 1839, 70s.; and he thought, that if the right hon. gentleman who spoke last night as to the monthly averages had carried his calculations a little further, he would have found that there was a considerable number of months during this interval in which the price of corn had ranged between 55s. and 65s.

Mr. Labouchere said, that since last evening he had made inquiries upon the subject, and he found, that during the period from 1828 to 1839, there had been 42 months, during which the price ranged from 55s. to 65s., 53 during which it was below 55s., and 43, during which it was above 65s.

Sir Robert Peel: It appeared, then, that there had been ninety-five months during which the price had been below 65s., which, as a low price was considered desirable, was a very gratifying fact. He would now draw attention to the variation which had taken place at a much earlier period—namely, before the act of 1765 came into operation. In the year 1728 the average price was 48s. 5d.; in 1732, it was 28s. 8d.; in 1733, it was 35s.; in 1743, it was 22s.; in 1750, it was 28s. 10d.; in 1757, it was 53s. 4d.; and in 1761, it was 26s. 4d.; being a fluctuation of 100 per cent. Now, comparing these fluctuations with the present period, he found also, that of these seven years which he had quoted, in five there had been an excess of export over import, so that the fluctuation did not appear to depend upon the importation of corn. But Mr. Tooke, in referring to these years, did so in order to confirm his argument, that the fluctuations depended upon the deficiency or excess in the supply, a feature which could not be provided against. Mr. Tooke also stated, that, from the beginning of the year 1794 to the end of 1795, the price had risen nearly double, and he said this fluctuation was entirely unconnected with any fluctuation in the currency, or any great political changes. "It might fairly be referred," Mr. Tooke said, "to the difference in the seasons;" and that gentleman then added the remark, "That the defect or increase in the price of corn was very much beyond the ratio of the excess or deficiency in the supply of the article during the same period, and that the fluctuations in the prices of articles of food were generally much greater than in other articles of consumption."

They had, therefore, the authority of Mr. Tooke for this opinion, that though the fluctuations in the prices of corn were very great, they were not such as to be easily prevented by any legislative precautions; and he was prepared to show, that under the present system, those fluctuations had been considerably less than when no system of Corn-law was in operation. Now, what would have been the effect of the seasons upon the price of corn, supposing there had been a fixed duty during the period which had passed since the present system came into operation? Suppose, as in the years 1833, 1834, and 1835, there should be a succession of very good seasons, and a consequently large supply in this country, and also, as might naturally be expected, a plentiful harvest on the Continent. Now, under circumstances like these, the foreign market being overstocked, he would ask, whether, with a fixed duty, the trader in corn might not be induced to bring over very large supplies, and after paying the duty, offer it in the market at a price much below that of British growth? And would not this operate as a great discouragement to corn of home production—a great discouragement to agriculture—and cause a great deal of land to be thrown out of cultivation? and might not this lead, and at no very distant period, to an alteration on the other side, and eventually to a very diminished supply? He came now to the third objection against the Corn-laws, and a most important consideration it was. The hon. member for Wolverhampton said, at the commencement of his speech in introducing this subject, that if those who had taken part in the support of the Corn-laws last year, could have foreseen, that their so doing must be so immediately followed by so complete a falsification of all their predictions in respect to the increase of our manufactures and home consumption, they would not have had the courage to vote as they had done. The hon. member stated further, that the advocates of the repeal of the Corn-laws relied mainly for the success of their arguments upon the immense falling off which had taken place in the manufactures of the country, and of its internal consumption, since the debate last year, indicating, as they did, the great distress



which prevailed throughout the country. Now this was a most important statement; and he would assure the House, that he referred to every thing connected with the manufactures and commerce of this country with the utmost anxiety—he felt that our main strength as a nation, and our position in the scale of nations, depended upon the maintenance of our manufactures; and so much so, that if he were the exclusive advocate and partisan of the agricultural interest, he should tell the landowners that their best friends were the manufacturers, and that the manufacturers of the country, and not the Corn-laws, were the main element of their prosperity and the value of their land. Therefore, when the hon. member for Wolverhampton stated as a positive fact that the manufactures of the country were on the decline, and that there had been a rapid diminution in home consumption during the last year—he thought it highly important to endeavour to ascertain whether statements so important and melancholy were perfectly well-grounded. Now, he had before him official returns relating to the extent of the foreign trade of this country, as exemplified in our imports and exports, giving also the total amount of each description of imports and exports; and upon an examination of these documents, he found, that, as far as figures went, the gloomy anticipations of failure and distress entertained by the hon. member were not altogether realized. He had great satisfaction in finding, that there had been a considerable increase in the exports of manufactured goods. Last year, also, there had been an increase in the manufactured exports of the country, and he did not know whether the hon. member for Kendal was present—Oh! he saw the hon. gentleman in his place, and he was going to say, that he did recollect that last year he proved to the hon. member's satisfaction, or rather the hon. member frankly admitted to him, and succeeded in demonstrating it, that there had been a considerable increase in our export of manufactured articles; and he also begged to remind the hon. member of the argument with which he then met that fact. He (Sir R. Peel) stated last year, that there had been an increase on the total amount of the exports of the year 1838, whether as compared to the year 1837, or to the average of the four preceding years, and that to a considerable extent. To this the hon. member replied, that he admitted that there had been an apparent increase in the declared value of our exports, but, at the same time observed, that the increase in the export of perfectly wrought fabrics was exceedingly small, the principal increase being in articles which our manufactures had scarcely removed from their raw state; that articles in this shape were the elements and means of foreign manufactures; and their export, therefore, an encouragement and advantage to foreign manufactures rather than our own.

Mr. J. W. Wood: I beg the right hon. gentleman's pardon, but I was the first who used that argument.

Sir Robert Peel: Surely the hon. gentleman could not think that he (Sir R. Peel) could forget that, on seconding the address last year, the hon. member had cut from under the feet of the Corn-law agitators that which formed the very foundation of their argument. He did not wish to deprive the hon. gentleman of the gratifying and consolatory reflection, that he had been the first to declare last year that an increase had taken place in our shipping interests, in our foreign commerce, and in every indication of stable and progressive prosperity. And he should never forget how the countenances of those gentlemen suddenly fell, who relied upon the chairman of the Manchester Chamber of Commerce for abundant arguments in favour of the repeal of the Corn-laws, when the hon. member made those memorable and gratifying disclosures. But on a subsequent occasion the hon. member said, it was true that there had been an increase in our exports, but that they had been of manufactured articles in the rudest possible state. The hon. gentleman stated that, "Comparing the average of the last four years with the year 1838, the exports of woollen, cotton, and linen manufactures, had increased from £25,757,000 to £26,190,000, being an increase of only £433,000, or about one-half per cent. upon perfectly wrought fabrics: but that in cotton, woollen, and linen yarns, the increase had been from £6,590,000 to £8,452,000, being an increase of about £1,800,000, or twenty-eight per cent.; these latter being articles which were to be wrought up in foreign countries."

The hon. gentleman deduced from these facts the argument, that although the total amount of our exports had increased, yet that they had increased in a way to become evidence of declining prosperity rather than otherwise. He turned to the

return of the present year. He looked to the exports of the wrought fabric bearing on the very cases which the hon. gentleman had taken. He looked first to the cotton manufacture generally. Comparing 1838 with 1839, it appeared that the declared value of cotton manufactures exported in 1838, was £16,715,000, and in 1839, £17,694,000. The export of linen manufactures had increased from £2,730,000, in 1838, to £3,420,000, in 1839. The export of silk manufactures had increased from £777,000 to £865,000; and the woollen manufactures from £5,795,000 in 1838, to £6,207,000 in 1839. Now he did not say that this was a conclusive proof of manufacturing prosperity; but what he said was, that so far as official documents went, they could not say there was that decline in the export of manufactures which had been put forward as an argument against the existing system of Corn-laws by hon. gentlemen opposite. [Hear.] But when he was arguing on one point, he was met with a cheer, as though he meant something else. The hon. member for Wiltshire had said, that he never referred to figures, because the same figures might be made to serve both parties, might be made use of on either side of the argument; but he had shown that in the articles of cotton, linen, silk, and wool, so far as the official returns of the foreign exports indicated, there had been an evident, he would not say, increase in prosperity, but increase in the manufactures of the country. The total increase in the export of those articles of perfectly wrought fabrics, had been from £26,170,000 in 1838, to £28,202,000 in 1839. He (Sir R. Peel) remembered that the hon. gentleman opposite had stated, during the debate of last year, that there had been an increase of only  $1\frac{1}{2}$  per cent. on the export of perfectly wrought fabrics; now this year there had been an increase of eight per cent. But perhaps he should be met with the argument, still there had been an immense increase in the export of yarn, and the merely raw material, and that they had been exporting to a great extent those raw fabrics, which enabled their foreign competitors to rival them in foreign markets. Now he (Sir R. Peel) had the consolation to assure the hon. member for Kendal, that while there had been this increase in the export of the perfectly wrought fabric, there had been at the same time a considerable decrease in the export of yarn. First, in respect to cotton-yarn, the export in 1838 was in value £7,400,000. In 1839, £6,857,000; in linen yarn the export was in 1838, £836,000; in 1839, £814,000. In wool there had been a trifling increase, but the total decrease in the export of yarn was as follows:—in 1838, £8,651,000; in 1839, £8,070,000. Last year there had been an increase of £28,000, or  $1\frac{1}{2}$  per cent. in the export of the wrought fabric, and 28 per cent. in yarns, while this year there had been an increase of 8 per cent. on the wrought fabric, and a decrease of 8 per cent. on the export of the raw material. He (Sir R. Peel) knew well what the argument on this subject was, and certainly it was an ingenious one. It was admitted that there was an increase in the exports of the perfectly wrought fabrics, as shown by the official documents; but then it was contended, that so far from this being a proof that manufactures had prospered, it showed exactly an opposite result. And this view of the case was thus accounted for—that the foreign trade had been forced in consequence of the total inability of the home consumer to purchase. Now, suppose he (Sir R. Peel) had said, that there had been a great falling off in the foreign trade, and that that was evident proof of improvement, and a sure sign of prosperity; suppose he had said, that the falling off in the foreign trade arose from the immense increase in the home consumption; that the demand had been so great at home, that it was impossible to provide for the foreign trade; and that, so far from that being a cause of regret, it ought to be considered as a ground of rejoicing, inasmuch as it proves the prosperity of the country,—how would such an argument be met? and yet it was as good an argument as the one with which he was met, that the prosperity in the foreign trade ought to be considered as a decisive indication of the decline of the national prosperity. Was not that the argument—that they were not to consider the increase in the export of manufactured articles as an indication of the national prosperity? [Mr. Baines—No, no.] He never liked, for the sake of a temporary triumph, to advance any thing which he was not prepared to prove. He held in his hand a document attributed to the son of the hon. member himself, entitled “*National Distress proved by Increased Exports combined with Diminished Production.*” This gentleman, said, referring to the parliamentary

return,—“That official document shows that a larger amount of British manufactures was exported in the year ending January 5, 1840, than in the year ending January 5, 1839; the increase being nearly £2,000,000 on the declared value. Sir, I shall shortly prove, from the very document thus adduced, a case, not of extending but of declining trade and manufactures.”

That quotation bore him out in his representation of the argument of the opponents of the Corn-laws. All he stated was, that the author of the pamphlet relied on the increase of our exports under the existing circumstances as a proof of a decline in our trade and manufactures, and then he said that he should be equally justifiable in arguing, that a diminished foreign trade might be accounted for by an increase in the home consumption. The foundation of the argument was, that the diminished demand at home had led to the increased exports. Now, it was exceedingly difficult to ascertain what the amount of home consumption at any period was. There were means of ascertaining the amount of foreign trade, but to find what relation existed between it and the home consumption was almost impossible. It was almost impossible to find what proportion of the productions of this country was consumed within the territories of her Majesty. There were, however, other indications of the state of the country. As to the amount of manufactures consumed within the kingdom, it was, as he had observed, impossible to form a guess; but he looked at the revenue and compared the amount of the customs in the two last years. In 1838, they amounted to £22,063,118, and in 1839, they amounted to £23,210,881. He then looked at the number of vessels employed in foreign trade; although he certainly expected to be told, that these vessels had been only employed in carrying out the manufactures which our distress prevented us from consuming at home. In 1838, the number of vessels entered inwards was, 19,639; in 1839, 23,143. The number of vessels entered outwards was, in 1838, 17,204; in 1839, 18,423. He did not exactly understand how there should be a great increase of coasting trade, if there had been a great decline of consumption. If the exports had arisen from a decreasing consumption, and inability of the people to buy manufactures, why should there be an increase in the coasting trade? But there was an increase in the coasting trade of the country in 1839, as compared with 1838. If, again, there had been a great increase in the capacity to consume, ought there to be a falling off in the excise duties? How could they reconcile an increase of the excise duties with a great decrease in the capacity of consumption? But there had been a gradual increase in the excise duties in 1837, 1838, and 1839. If there had been a diminution in the consumption of those manufactured articles, with respect to which they had no test of consumption, ought there not also to have been a diminution of articles of very general consumption, which were luxuries rather than necessities? Why, if there was a greatly diminished capacity of consumption, should there have been an increase in the quantity of coffee consumed? The quantity of coffee entered for home consumption in 1838, was 25,818,000lbs, and in 1839, 26,832,000lbs. Tea had increased from 32,000,000lbs in 1838, to 35,000,000lbs. The quantity of timber had increased in 1839 as compared to 1838. There appeared at first sight to have been a diminution in the quantity of sugar; but if they took the quantity of drawbacks on refined sugar exported in 1838 as compared to 1839, they would find, if there had been any diminution in the home consumption of sugar, it was exceedingly small. He had seen, drawn up by a house largely concerned in the sugar trade, an estimate of the comparative consumption of sugar in 1838 and 1839, which claimed a small increase in the quantity of sugar consumed in 1839 as compared with 1838. He, therefore, could not admit that assertions of the increase in the foreign trade of the country, must be considered as a conclusive indication of declining prosperity at home, and an increased inability to purchase articles of general consumption. He knew perfectly well that great stress was laid on the argument that the great articles of consumption, such as cotton, indigo, &c., employed in manufactures, had decreased, but he was glad to perceive that at Liverpool, on the 1st of January 1839, as compared with 1838, there had been an increase in the quantity of cotton taken for home consumption. But why did it vary? Because it was one of those articles which depended on the seasons; and, although there was a fixed duty, an unlimited demand, and unlimited importation, yet cotton varied in price from the vicissitudes of season to

a much larger extent than corn. He had heard with great pain of the complaints made by some manufacturers engaged in the cotton trade: he had heard with still greater pain of the privations to which the working classes in some parts of the country were exposed; yet still he could not come to the melancholy conclusion at which some hon. gentlemen had arrived, that there were in the official documents, and in general notoriety, certain indication of the decline of this great manufacture. Upon such grounds, having paid all the attention in his power to these documents, although perfectly ready to reconsider in matters of such immense importance the opinions he might have heretofore given, and to abandon them if he found them ill-founded, he must say he could not conceive, that there had been or was any indication of decay or decline in the country, and, therefore, the opinions which he had expressed last year on the general subject of the Corn-laws, were opinions to which in the present year he was perfectly ready to adhere. It was vain to disguise it—the real question they had to decide was not, whether they should admit any modification of the existing scale of duties; the question which the hon. member for Wolverhampton called on them to discuss, and which their votes would decide, was, whether or not there should be a total repeal of the Corn-laws. At the same time, the right hon. gentleman the President of the Board of Trade, who was entitled to high respect, as well from his general character as from the official station he held, had, in the course of this debate, declared his intention of making some proposition in case the House should go into committee.—[Mr. Labouchere: “No, no.”]—Then the right hon. gentleman had nothing to submit to their attention; but he declared an individual opinion, that a fixed duty would on the whole be preferable to a total repeal and the present sliding scale. That seemed to be rather the theoretical opinion of the right hon. gentleman than one so far matured as to be formed into a resolution, and, if they did find themselves in committee, to be submitted for consideration. He really thought the right hon. gentleman had indicated an intention to submit that proposition; for he recollected that the right hon. gentleman said he could answer for no other member of her Majesty’s government; and he also understood, that the only two other members of the government who had spoken, completely dissented from the opinions he had expressed. But although it seemed they had no chance of hearing the proposition practically made, it was still due to the right hon. gentleman briefly to consider its merits. The right hon. gentleman said, he preferred a fixed duty to the sliding scale; and on being asked to state its amount, he said he thought 7s. or 8s. per quarter would be the amount of duty he should recommend. Then the right hon. gentleman being aware of the objection to a fixed duty, that when the price of corn became inconveniently high, it might be difficult for a weak or even a strong government to maintain a fixed duty in the face of rising prices, he proposed, in order to obviate the difficulty, when corn arrived at the price of 70s. per quarter, the duty should vanish, and corn be admitted free. That was the only proposition which had been submitted to their consideration by her Majesty’s government. Let him then observe to the right hon. gentleman, that his proposition would hardly remove any one of the objections which were made to the present system. Would it tend to promote a final settlement of the question? Not in the opinion of the hon. member for Wolverhampton, because the whole of his speech went to shew that the landed interest was entitled to no protection whatever; that so far from bearing any exclusive taxes, they were exempted from some particular burdens, and that with no shadow of justice should any duty, fixed or variable, be imposed on the importation of foreign corn. All the arguments which applied to protecting corn for the purpose of increasing the rents of landlords, would equally apply to a fixed duty as to a variable duty. All the bad appeals to the passions of the multitude, all the arguments about the impolicy and injustice, the unchristian and irreligious principles of taxing the staff of life, would apply to a fixed duty equally with a variable duty. They, perhaps, would apply with increased force when they came to look at what had been the average amount of duty levied on foreign corn imported under the existing scale for a considerable number of years past. There had been, since the Corn-laws were in operation, of foreign wheat imported into this country for home consumption not less than 9,297,000 quarters, and the average amount of duty levied on that immense quantity did not exceed 5s. 3d. per quarter. He was not prepared to say that there were not great objections to a shifting scale; but as to the amount of duty payable

under the present system, there could not be a shadow of doubt that it was very much less than that which any one who advocated a fixed duty at all ever thought of proposing. Under the existing system, the duty charged only amounted to *5s. 5d.* per quarter; the amount of duty upon the "staff of life," as it was termed, did not exceed the sum of *5s. 5d.* The ignorant man was not prepared to understand the cause or the effect of a sudden importation, and it would be no satisfaction to him to be told that a duty of *5s. 5d.* was to be exchanged for one of *8s.* Those who upon a question of this nature resorted to an appeal to men's passions, could do so with equal effect, whether the duty was the one sum or the other, or whether it was imposed according to the provisions of the existing law with its sliding scale, or under that which would impose a fixed duty commencing or ending at a certain point. The advocates of change, who denounced the present Corn-laws as irreligious and tyrannical, would be as well entitled to do so under one amount of duty as under another. Was there any thing, he would ask, in the proposal, that when the price of corn rose to *70s.* per quarter, the duty should cease, or be materially diminished, that of necessity would have the effect of disarming every topic which lay within the reach of the popular agitator, and at once silencing every appeal to the passions of mankind? He begged also to remind the right hon. gentleman opposite, that independently of failing to give satisfaction to those who were opposed to the imposition of any duty whatever, he had not answered any one of the objections of detail; he had proposed to retain the whole system of averages. Surely that was any thing but giving satisfaction to his hon. friends who demanded free trade. Was that free trade, or any thing like it? Nothing could be more evident than that his whole system was one of averages, for how otherwise could he ascertain his price of *70s.*, at which his duty was to commence? Then he begged the House to look at the manner in which the proposed plan of the right hon. gentleman would meet the argument of the American merchant, who urged the probable effect of a deficient harvest, when bad corn must of necessity be brought into the market, and when its introduction would most assuredly affect the rate of prices. Next, let the House observe the probable effect of the gradual rise of the price of corn to *67s.* or *68s.*; what precautions did the right hon. gentleman propose to adopt against the tricks and devices confessedly practised for the purpose of operating upon the averages? Supposing that the price remained at *69s. 6d.*, the duty, according to the plan of the right hon. gentleman, would be payable; but increase the price by a single shilling, and foreign corn would be imported duty free. It would be difficult to conceive a greater temptation to practise upon the averages than this state of things would present. It offered immense inducements to adopt expedients of all sorts for the purpose of causing the price of corn to turn *70s.*; for the moment its average price exceeded that sum of *70s.* per quarter, the market might at once be inundated with foreign corn, and might continue to be kept in that state till new averages were made. In such a case how did the right hon. gentleman propose to provide for the difficulties with which the American merchant would have to contend in meeting his rivals in the ports of Holland? The American who thought of exporting corn to this country, hearing that the price was *70s.*, might suppose himself safe in sending a cargo, relying with confidence upon being able to introduce American corn into England duty free. Before his corn could have time to arrive in the ports of Great Britain, he would find that the price had sunk to *69s.*; during the transit of his corn across the Atlantic, parties in the habit of practising upon the averages would have managed to effect a reduction, and so the object which the American speculator proposed to himself would be utterly defeated, and he would find himself under the necessity of paying a duty of *8s.* per quarter upon that which he had hoped to have exported to England duty free. Upon these grounds, then, he professed himself at a loss to discover how the right hon. gentleman overcame some of the objections to the averages and a sliding scale. If the right hon. gentleman abandoned the averages, he must resort, or be inconsistent with himself, to a free importation, with a fixed duty of *8s.* In times of great abundance, of unexampled—he might say, of excessive and superabundant supply—corn would be poured into this country from the ports of the continent of Europe and from those of America; the importation of foreign corn would then be subject to no control. Then, in times of extreme scarcity, could any

government maintain a duty upon the importation of foreign corn? It would be described as a tyrannical impost upon the "staff of life." He did not hesitate to say, that such a duty would be practically removed; and if it were once removed, he professed himself unable to see how it could be re-imposed. He acknowledged that, though the right hon. gentleman declared himself favourable to a fixed duty, he at the same time declared that he did not mean to propose any thing of the sort. It was to be presumed, he apprehended, that, in any attempt to do so, he did not expect to enjoy the support of his colleagues. In making this observation, he also referred to the sentiments of the hon. gentleman, who said, that on that part of his plan which related to a fixed duty, the support of his colleagues had been withheld. Now, if that question of a fixed duty was not to be taken into consideration in committee, why consent to going into committee at all? It was a faint indication that the whole project appeared to melt before him the more nearly he approached it. It was clear, then, that there was not any plan digested by the government, or to be proposed to Parliament, under the authority and responsibility of the Ministers of the Crown. But the hon. member opposite had told the House that it would hear his plan. Even had he entertained the least intention, upon the present occasion, of submitting any plan to the House, he conceived that nothing could be so absurd as to declare for or against any particular set of details—nothing appeared to him more objectionable than to say, that the present Corn-law, in all its details, was a system actually perfect; such a declaration he considered would be utterly unworthy of him to make, or the House to hear. He had no intention on the present occasion of proposing any plan, neither did he think it the fitting opportunity to indicate any thing further respecting his views than he had already taken the liberty of submitting to the House. By the hon. member who had brought forward the present motion, they had been invited to go into committee upon a plain and intelligible principle—namely, total repeal; and considering that to be, as it confessedly was, the real purpose of the motion, nothing appeared to him more ridiculous than the discussion of minor points. He differed, therefore, from the hon. member for the Tower Hamlets, in thinking that the House could advantageously pursue the course to which he invited them; and, while adverting to that, he could hardly refrain from noticing the manner in which the hon. gentleman who brought forward the present motion had referred to the sentiments of the hon. member's friend, and the way in which he had treated the plan of the hon. member for Cambridge, of a modified duty. He should profit by the experience of the hon. gentleman. One, he thought, who ought to be considered as speaking with authority upon such a subject, had been treated almost with contumely when he spoke of a modified scale. Nothing seemed to disturb the equanimity of the hon. mover till he came athwart his hon. friend, whom he accused in language unlike the general tenor of his speech—in language violent and contumelious—of rendering him nothing but insidious assistance. What motive could any one have to enter into the discussion of details, when the only man whom the mover treated with injustice, was he who had ventured to depart from broad principles? The hon. mover refused to take advantage of his assistance upon a division, declaring that he preferred the open hostility of the hon. member for Lincolnshire to his hon. friend's insidious friendship. He should, therefore, say, that the great question which the House had to determine, was that of total repeal; the hon. mover advocated that exclusively; he proceeded upon the assumption, that total and unqualified repeal would alone give satisfaction. To that proposal he could not assent. To that proposal he should apprehend that her Majesty's government could not assent. At any rate the right hon. gentleman opposite had said, that the landed interest were fairly and justly entitled to some protection. He then asked whether any advance was made towards tranquillising the public mind, or towards a satisfactory settlement of the question, when he, who presided over the commercial department of the country, holding an opinion for concurrence to which he could not answer for his colleagues, and which he did not propose practically to carry into effect, consented in the present agitated state of the country, to go into a committee with the vague and indefinite hope that some satisfactory proposal on the subject of the Corn-laws, which was not heard of in the House, might suddenly be made in the committee. The principle of total repeal he

perfectly understood. "It was certainly a magnificent scheme for introducing in our intercourse with foreign nations, that principle which ought to regulate the intercourse of this great empire within its own boundaries. He doubted the possibility of applying this principle to the external commerce of this country, in a state of society so artificial, with relations so complicated, and with such enormous interests at stake, which had grown up under another principle, however defective it might be—namely, the principle of protection in certain cases. If the principle now contended for was good for the regulation of the trade in corn, it was good for the trade in many other articles. If good as affecting corn, it was clearly good as affecting labour. Upon this principle there ought to be no navigation laws. Every merchant ought to be allowed to procure labour at the cheapest possible rate, and there ought to be no preference for the British seaman. But the Legislature controlled that principle, just in the abstract, by a reference to the necessity for providing for the defence of this country in case of danger. It was found beneficial to encourage our own marine, and to endeavour to secure the maritime eminence of this country by giving a protection to its marine. Therefore, in this instance, the legislature corrected the principle, however good it might be in the abstract, by giving a preference to the seamen of this country. Besides, if the principle was to be applied generally, the whole colonial system must be altered. Foreign sugar must be entitled to admission into the home market, on terms equally favourable with the sugar of our own colonies. The timber duties must, of course, be got rid of. Every protecting duty on manufactures must be abolished, precisely on the same principle on which it was argued, that there ought to be no protecting duty for corn; and, as he had said before, if the principle were good in the case of corn—if they might not take an insurance against the caprice or hostility of foreign countries in time of war, and against the vicissitudes of seasons, by encouraging the home produce, neither must they seek to secure the pre-eminence of the marine of the country by giving an advantage to the labour of British seamen, neither must they give a preference to the productions of their own colonies, or afford protection to their own manufactures. Theoretically, and in the abstract, this magnificent plan might be correct; but when he looked to the practice, to the great interests which had grown up under another system—when he found that, whatever theoretical objections might apply to that system, still great and complicated interests had grown up under it, which probably could not be disturbed without immense peril—when he, besides, bore in mind, that defective as that system in principle might be, yet under it this country, considering its population, had acquired the greatest colonial empire, the greatest Indian empire, the greatest influence which any country ever possessed—when he considered also, that under this system, he would not say in consequence of it, for that might be denied by hon. gentlemen opposite, but simultaneously with it, we presented this spectacle to the world—a country limited in extent and population, yet carrying on greater commercial and manufacturing enterprise than any other country ever exhibited—when he considered all these things, he would not go the length of the Prime Minister, who said, that he who entertained the notion of upsetting this system "proposed the maddest thing that ever he had heard of;" but this he would say, that he would not consent to put to hazard those enormous interests, for the purpose of substituting an untried principle for one which might be theoretically defective, but under which practically our power and greatness had been established; fearing that the embarrassment, the confusion, and distress, which might therefrom arise, would greatly countervail and outweigh any advantage which could be anticipated from establishing, at the expense of what was practically good, that which might be theoretically correct.

The debate was again adjourned.

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## WAR WITH CHINA.

APRIL 9, 1840.

Sir James Graham, at the conclusion of a most powerful speech, in which he reviewed the different events leading to the disruption of our amicable relations with China, and charged the government with having aggravated these occurrences by their

mismanagement and vacillation, moved the following resolution:—"That it appears to this House, on consideration of the papers relating to China, presented to this House by command of her Majesty, that the interruption in our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of her Majesty's present advisers, in respect to our relations with China, and especially to their neglect to furnish the superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband traffic in opium, and adapted to the novel and difficult situation in which the superintendent was placed."

SIR ROBERT PEEL said, that considering that the House had been occupied for the last six or seven nights with continued debates, first upon the Corn-laws, and then upon the Chinese question, it could hardly be a matter of surprise that occasional indications of impatience had been manifested this evening. But he entreated the House to bear in mind the magnitude and importance of the subject which was now under their consideration. He begged them to remember, that, although no communication had been made from the Crown, although no message had been sent down to the House, it appeared, from the distinct and intelligible declarations of two ministers of the Crown, that we were on the eve of hostilities with a country, the description of which he would borrow from the hon. baronet, the member for Portsmouth—a country which, in point of population, exceeded all that of the continental countries of Europe; nay, at this moment, we might actually have entered into hostilities with a nation comprising a population of 350,000,000 inhabitants, very little short, in fact, of one-third of the whole of the human race. It was certainly not surprising that, with these indications of hostilities, which none could mistake, although the Crown had sent down no communication, and had invited no opinion from the House of Commons—it was certainly, he repeated, not surprising that the House of Commons should inquire, what were the causes of, and who were the parties who were responsible for, this great and acknowledged calamity. "Oh," said the right hon. gentleman, the President of the Board of Control, and one of the parties mainly responsible for this great evil, "for God's sake, do not discuss any thing about China! Have a debate, if you please, on the registration bill, or take a division upon Maynooth." Perhaps the right hon. gentleman would advise the House to occupy its time upon the Peel club at Glasgow. "But the greatest question of China, the greatest question of, who was responsible for, and by what means these hostilities had been brought about, do not touch that (said the right hon. gentleman), for questions of peace and war are involved in it." Five-and-forty minutes of the right hon. gentleman's speech were occupied with comments upon the form of the motion under discussion, and the remainder was a defence of her Majesty's government. Five-and-forty minutes, it was necessary to say to those who had not the satisfaction of hearing the speech of the right hon. gentleman—five-and-forty minutes had been occupied in comments upon the motion of his right hon. friend; and the right hon. gentleman had said, that the motion contained no distinct declaration of opinion upon the policy of the government, that it declared no opinion about the opium trade, nay, that it did not distinctly explain whether or no the right hon. mover thought the merchants whose opium had been taken for the use of the government ought to have compensation or not. "The motion," said the right hon. gentleman, "is a mere party motion." That was the minister's defence. What was the use of this constant and unmeaning clamour about party motions? Was it not incident to free discussion, and to a popular assembly, that even in smaller matters than this, the conduct, the motives, and the character of the government should be subjected to examination and criticism? Did not the Queen's government resort to precisely the same means for defence against the motions which were brought forward by its opponents? Was it perfectly novel in the history of this country, and of oppositions, to find motions brought forward by them—nay, to find retrospective motions brought forward—to find that those whose past misconduct, or whose past neglect, was called in question, were absolutely subjected to the ordeal, not of prospective, but retrospective, erimination? What event during the war was not the subject of inquiry by the opposition? Did the expedition to the Scheldt escape? Did the convention of Cintra escape? Did the battle of Talavera escape? Was there any



instance in which, upon the questionable policy of the government (those who watched that government having considered them selves perfectly entitled to bring forward a motion upon the subject of the misconduct of that government,) motions had not been made? What was the motion made by one of the present ministers in the year 1810—Lord Lansdowne—a great military critic, who questioned the policy of the government by a retrospective censure of the convention of Cintra, and who, not content with his proceedings in 1809, appeared again in another field, having succeeded to the peerage in 1810, and brought forward this resolution, which appeared to him, if deserving of censure at all, not more or less than the present motion. Lord Lansdowne proposed to the House of Lords to resolve—“ 1. That it appears to this House, after the most attentive examination of the papers laid before them, relative to the late campaign in Spain, that the safety of the army was improvidently and uselessly risked, and every loss and calamity suffered, without ground on which to expect any good result; and that the whole did end in the retreat of the army. 2. That, previous to entering on this campaign, ministers did not procure the necessary information of the state of Spain, or of its military resources, of the supplies that could be afforded, &c., as the most obvious policy required; and that the result of this rashness and ignorance was a result the most calamitous.”

That was retrospective; it indicated no particular policy; and he thought that Lord Lansdowne and his confederates would have been surprised if, on bringing forward this motion, censuring the operations of the Duke of Wellington and the government of that day, had he been replied to in the same manner that the present motion was answered—namely, “ You ought to tell us what are the despatches which, under similar circumstances, you would have written. You ought, if you question the operations of the Duke of Wellington in parliament, to indicate to the House the precise communications which, under similar circumstances, you would have had with your British confederate on the one hand, and the Spanish authority on the other hand; and you have no business to bring forward a motion censuring the policy of the government, unless, at the same time, you distinctly declare not only what you intend to do, but precisely what you would have done.” He apprehended, when Lord John Cavendish brought forward his motion to this effect, that the thirteen colonies of America had been lost to England, and that England was engaged in a war with France, Spain, the United States, and Holland, without a single ally, and that all this was owing to the negligence and want of foresight of the government, that then a good Whig precedent was furnished for the form of the present motion, and, perhaps, it might have been difficult to find a greater coincidence than it furnished. The right hon. gentleman had deprecated as injurious the practice of the House of Commons entertaining questions of peace and war like this; so that, whatever was the misconduct of the government, the indifference of the House was to be the indemnity. The present motion was a distinct declaration, that the unfortunate state of affairs which had arisen between this country and China, was attributable to the want of foresight and precaution in the government, and their neglect to give certain powers and instructions to their representatives. It did not give any opinion about the opium trade, nor as to the policy and justice of the war; but he would remind the right hon. gentleman, that those questions might be perfectly distinct, and yet the war might be just. The war itself might be politic, and yet the necessity of the war might have arisen from impolitic proceedings. It might be that, from a long series of contests, misunderstandings, and collisions, continued for years by a country unaccustomed to European laws and usages, an act of violence and outrage might have been committed, which left no alternative but a resort to war—it might be, that the course of policy pursued by their representative might leave them no alternative on the grounds of policy but to go to war. It might be, for instance, that in the first conflict that took place between the Chinese and British empires, the conflict was so unwarrantable, that it would be utterly impossible to retrieve the character of the British arms without some manifestation of resentment. A shot might have been fired unintentionally in a moment of irritation against an inferior force, and the result of that first unfortunate conflict might have been to exhibit the British naval force retreating from the action in consequence of a failure of ammunition. It might be, that notices of blockade were issued on one day, and recalled in three days, and those

events might really leave that impression on the minds of the Chinese which would be prejudicial to the warlike character of England, so as to make it wise and just to correct that erroneous impression. But consistently with those circumstances it might be proved, that although the war was not unjust—although in point of policy it could be sustained—although it ought to be supported—still the necessity for the war might have arisen from gross negligence and misconduct of the ministers. Now, he asked, supposing that state of things to exist, was it fit that those ministers should escape not only without notice, but, as the right hon. gentleman supposed, even without the formality of a debate? The right hon. gentleman had said, that no one had more lamented the breaking out of the war with France than the late Mr. Fox. There was no one who more deeply felt that that war was a great calamity; there was no man who, at an early period of the war, was a warmer advocate of its termination: but he would remind the right hon. gentleman, that at the commencement of that war, while, at the same time, he supported the armament by which it was to be carried on, the very same night he did so, he brought forward a motion of censure upon the government who brought it on. On the 4th of February, 1793, he said—"We were now actually engaged in war, and, being so engaged, there could be no difference of opinion on the necessity of supporting it with vigour. No want of disposition to support it could be imputed to him; for in the debate on his Majesty's Message, announcing that we were at war, he had moved an amendment to the Address, as much pledging the House to a vigorous support of it as the Address proposed by his Majesty's ministers, and better calculated to insure unanimity. But the more he felt himself bound to support the war, the more he felt himself bound to object to the measures which, as far as yet appeared, had unnecessarily led to it."

And, on that night, Mr. Fox moved this resolution—"That it appears to this House, that in the late negotiation between his Majesty's ministers and the agents of the French government, the said ministers did not take such measures as were likely to produce redress, without a rupture, for the grievances of which they complained."

Therefore, he thought he showed them, upon high authority—at least, upon such authority as would be admitted by hon. gentlemen opposite—that the same man might admit the necessity of a war, who at the same time might feel an imperative obligation to censure those by whom the war was originated. His firm belief was, that the necessity for this war did exist mainly in consequence of the misconduct of the government. He believed in the possibility of its being averted, not by some foresight inconceivable in the limited faculties of human nature, but by the most ordinary attention to the position of our affairs at the termination of the East India Company's charter, and by taking the fair warning afforded by previous experience, as well as by listening to the earnest declarations of our own superintendents, and above all, by fortifying them with the power which they demanded, which ministers might have intrusted to them, giving them instructions as to the views and intentions of government, but which, however, her Majesty's ministers had studiously withheld. Here he would clear up a misapprehension of the right hon. gentleman as to the nature of the charge against the government. It was not, as the right hon. gentleman supposed, that the government had not sufficient foresight to know what the Emperor of China was going to do, but that, after the termination of the relation between China and the East India Company, which had continued for 200 years, and after an immense change, therefore, in the position of this country with respect to China, that her Majesty's government sent a gentleman to China to represent the Crown of this country, without the powers which they might have given him, which it was their duty to have given him, without instructions which he was competent to receive, and without the moral influence of a naval force, the advantage of which was demonstrated by the papers before the House. The right hon. gentleman, the member for Edinburgh, admitted that the instructions were meagre and scanty, and if, under similar circumstances, they had been given to our diplomatic agent at Brussels, or at Paris, the government would have been without excuse. That was an important admission. But the right hon. gentleman proceeded to say, that India was best governed in India, as if a regularly constituted government, with superior and subordinate officers of the greatest experience, with a people accustomed to look up to that government with reverence and respect, with a powerful fleet at command,

with an immense military establishment, and with recognized laws and responsibility, as was the case with the government of India, could bear the least analogy to the case of Captain Elliot conducting the affairs of our trade at Canton. The government ought to have supplied Captain Elliot with proper powers. It should have said what regulations were to be established, what offences were to be breaches of those regulations, and then have constituted a court of admiralty and criminal jurisdiction, as they might have done. If, then, they had indicated to their representative the general views and policy of the government, and said, "Here are the powers which the law enables us to invest you with; here are our general views and intentions with respect to our relations with China, the trade in opium, the place of your residence, the mode of your communication; we tie you down by no specific instructions; we leave you, on account of the distance, full latitude and complete discretion, confiding in your prudence and judgment,"—then, indeed, the government might have some cause to rely on in the absence of detail and defined instructions; but their course had been exactly the reverse. They had given their representative what was worse than no power—the semblance without the reality. They not merely withheld instructions, they gave him contradictory instructions; and then they pretend that, on account of the distance, it was difficult to explain the course which he was to pursue. Did the East India Company find that difficult? Read the despatch of the East India Company, addressed to their supercargoes in the year 1832, enjoining caution in dealing with the Chinese, and placing before them the general views of the company, but not binding them down, in that case at least, to minute instructions; and, after having read that despatch, let him ask whether the vindication now set up by the government, that they were 15,000 miles from their officers in India, could be deemed a sufficient excuse for the gross and intolerable negligence which it appeared they had committed? There were three charges which this resolution conveyed; the want of instructions, the absence of a naval force, but, above all, the want of that authority and power, the means of giving which they had within their own control. He would not go through the whole of these several points. It might be demonstrated, that there were periods when a naval force, which might have been present for the maintenance of authority, was absent; and yet a noble lord opposite talked of relying on the moral authority of the naval force, over and over again. The superintendent had asked for such a force, but could not obtain it. Gentlemen on the other side had argued as if the Duke of Wellington's authority supported their views, when, in fact, he had not recommended any thing from which they could derive the smallest support. The opinion of the Duke of Wellington was, that a naval force was only necessary till the trade should be established. He would have adopted the policy of Mr. Davis and of Sir George Robinson: it was their opinion, that a naval force was necessary until the trade should be established; but that was the full extent to which it could be carried. These were facts most clearly made out by the papers before the House, and he declared his deliberate conviction, that no man could read those documents and not arrive at the same conclusion, under the influence of which the motion of his right hon. friend had been prepared. The House could not fail to have noticed the wide range which the present debate had taken, and the variety of topics to which hon. members had addressed themselves; and it therefore appeared to him most important that, at the present stage of the debate, the attention of the House should be confined—at least, so far as his observations were concerned—to the main point at issue between her Majesty's government and the supporters of the motion brought forward by his right hon. friend, the member for Pembroke. Governed by that consideration, he should keep to one point, and not wander over the mass of desultory reasoning which, during the course of the present debate, had been laid before the House. It was now for the representatives of the people to consider and decide upon this question, whether or not her Majesty's government were chargeable with reprehensible neglect in the policy which they had pursued towards China; and whether or not they had given to the British superintendent at Canton the power and authority which his position required, and which the honour and the commercial interests of this country rendered absolutely necessary? One word, however, about the instructions. The right hon. gentleman (Sir J. C. Hobhouse) said, it was impossible for the government to suppress the opium trade. That might be;

it might be impossible. A committee of the House of Commons might too, some eight or ten years since, have delivered an opinion about the opium trade; but he asked this question:—after the despatches which arrived in this country on the subject of the trade in opium up to the 13th June, 1839—after the important change which took place in that year, placing the trade on a perfectly different footing, and giving it a ten times more formidable character than it had in the preceding periods—when their superintendent informed them, “It had been clear to me, my lord, from the origin of this peculiar branch of the opium traffic, that it must grow to be more and more mischievous to every branch of the trade, and certainly to none more than to that of opium itself. As the danger and shame of its pursuit increased, it was obvious that it would fall, by rapid degrees, into the hands of more and more desperate men; that it would stain the foreign character with constantly aggravating disgrace in the sight of the whole of the better portion of this people; and, lastly, that it would connect itself more and more intimately with our lawful commercial intercourse, to the great peril of vast public and private interests. Till the other day, my lord, I believe there was no part of the world where the foreigner felt his life and property more secure than in Canton; but the grave events of the 12th ult. have left behind a different impression. For a space of near two hours, the foreign factories were within the power of an immense and infuriated mob; the gate of one of them was absolutely battered in, and a pistol was fired out, probably without ball or over the heads of the people, for at least it is certain that nobody fell. If the case had been otherwise, her Majesty’s government and the British public would have had to learn, that the trade and peaceful intercourse with this empire was indefinitely interrupted by a terrible scene of bloodshed and ruin. And all these desperate hazards have been incurred, my lord, for the scrambling, and, comparatively considered, insignificant gains of a few individuals, unquestionably founding their conduct upon the belief that they were exempt from the operation of all law, British or Chinese.”

When thus, in characters not to be mistaken, their officers showed that a crisis was at hand—when he told them that the time had come, when the British government must indicate some intention on the subject—when they had a series of despatches received up to the 13th January, 1839—he asked whether, on a subject of such immense and complicated interest, this was a proper reply to the communications received by the British government?

“FOREIGN OFFICE, *June 13, 1839.*

“Sir—Your despatches to the 31st December of last year, and to the 30th of January of this year, have been received and laid before her Majesty’s government. With reference to those despatches as detail the circumstances which led to an interruption of the trade for a short period in December last, and the steps which you took, in consequence, with a view to the re-opening of the trade, and to the re-establishment of your official communication with the Chinese authorities, I have to signify to you the entire approbation of her Majesty’s government of your conduct on these matters. But I have at the same time to instruct you, not to omit to avail yourself of any proper opportunity to press for the substitution of a less objectionable character than the character ‘Pin,’ on the subscription of the communications which you have occasion to address to the viceroy.—I am, &c.,  
(Signed) “PALMERSTON.”

He was not turning into ridicule the adherence to forms, nor underrating its importance; but to answer such communications on the growing difficulty, by saying we approve of the course of practical conduct you have pursued, but be good enough to claim the right of using the less objectionable character than that of “Pin” on the subscription of your letters; for the right hon. gentleman (Sir J. Hobhouse) to get up and say that such an answer was worthy of the occasion, would, if he had not heard him, have exceeded the bounds of his credibility. But he came to the point which he had selected; and as he took one point only, he trusted he should meet with the attention of the House. He meant to support the charge that her Majesty’s government did not give to their superintendent the powers which they might have given—powers which were essential to the performance of his functions—powers with which by the act of parliament they were fully entitled to invest him—and powers with which, if he were supplied, might have materially

contributed to avert the calamity which had befallen us. The House would bear in mind that an act of parliament, passed in 1833, called the China Trade Act, substituted for the existing relations with China another form of official communication. The 6th clause of that act gave the government almost unlimited discretionary powers—as full and complete as an act of parliament ever conferred. The 6th clause enacted that:—“It shall and may be lawful for his Majesty, by any such order or orders, commission or commissions, as to his Majesty in Council shall appear expedient and salutary, to give to the said superintendents, or any of them, powers and authorities over and in respect of the trade and commerce of his Majesty’s subjects within any part of the said dominions, and to make and issue directions and regulations touching the said trade and commerce, and for the government of his Majesty’s subjects within the said dominions, and to impose penalties, forfeitures, or imprisonments for the breach of any such directions or regulations, to be enforced in such manner as in the said order or orders shall be specified, and to create a court of justice with criminal and admiralty jurisdiction, for the trial of offences committed by his Majesty’s subjects within the said dominions, and the ports and havens thereof, and on the high seas within 100 miles of the coast of China, and to appoint one of the superintendents herein before mentioned to be the officer to hold such court, and other officers for executing the process thereof, and to grant such salaries to such officers as to his Majesty in Council shall appear reasonable.”

It also enabled them to constitute courts of admiralty and of criminal jurisdiction for the trial of offences. An order in council, professing to be founded on the authority of this act, was issued. But that order in council gave to the superintendent such powers and authorities as certain officers of the East India Company, called *supercargoes*, had theretofore exercised; and whatever regulations were in force in April, 1834, were continued in force by this new constitution of our official relations. Now, in point of fact, the *supercargo* had then no authority, and there were no regulations in force. There was the East India Company at hand, for the purpose of ascertaining what their regulations and authority were; but the first order in council issued under the act, gave no legal authority whatever to the superintendent. But the answer to that was, “There are other gentlemen at his side of the House parties to that order.” Be it so, *solamen miseris socios habuisse*. That was an error of omission, but why were not steps taken to correct it? For that neglect, at least, his friends were not responsible; but the right hon. gentleman must show that the ministers had timely notice of the defect, that they might have repaired it, and that they had not done so; and, up to this hour, had left their superintendent without adequate authority. He asserted, moreover, that a great part of the mischief and embarrassment which had arisen, arose from the want of such powers. Now, in the first place, he maintained that the forcing of the passage of *Bocca Tigris* by the *Jardine*, as described by Captain Elliot, arose from the want of such powers; that when Captain Elliot attempted to make regulations for the ships at Whampoa, he found himself equally helpless—that when negotiations were going on in an amicable spirit, and were interrupted by the conduct of the commander of the *Thomas Coutts*, that the want of such powers were the cause of the embarrassment; and he would establish, he thought, by conclusive proof, the assertions which he had made. He would first of all take the case of the *Jardine*. Captain Elliot says, in his despatch of Dec. 27th, 1835:—“I hear it is very generally reported to-day that the steam-boat *Jardine*, now at Lintin, is to proceed to Canton on Tuesday or Wednesday next. The inquietude of the provincial government upon the subject of this vessel, has already been manifested in an edict, desiring that she should leave the country; and I am informed a request to let her ply in the river as a passage-boat has just been negatived. In the present state of circumstances, I feel it my duty to advise that a public letter should be forthwith addressed to the commander of the steam-boat, enjoining him, under the King’s authority, by no means to proceed up the river at present \* \* \* We have been specially warned, and the Chinese officers know the advantage that particular circumstances will afford them, for the vindication of any measures which our scornful disregard of their authority may lead them to pursue. If this steam-vessel goes up the river at this moment, I feel a persuasion that some grave public inconvenience

will ensue. \* \* \* In this case, it is my strong opinion that the Chinese will resort to some general measure in assertion of their powers and independence as a government, involving the interruption of this trade, till some required concession shall be made. No government can afford, if I may so express it, to be reduced to utter contempt in the sight of its own people by a handful of heedless foreigners; the sacrifice in point of public estimation is far too considerable."

What was the answer to that? In the first place the whole of the despatch was not given, and therefore, what might have been the representations contained in that despatch he knew not, for there was only a minute of it. The answer, however, was a recommendation to the superintendent to use caution in his interference—that in the present state of our relations with China, it was incumbent to avoid all causes of offence, and not exercise a greater degree of authority than he actually possessed. Good advice, no doubt, as he possessed no authority; but why did not the government give him authority, when it was said, at last, that the Chinese government had resorted to violent and outrageous action? True, they had done so, and, abstractedly speaking, perhaps there was no justification for their having done so. But they must not look to the mere abstract act—at the last word that preceded the first blow—but they must look to the whole tenour of the collision to form a just view of its character. Let the House bear in mind what had been stated by Captain Elliot, that the interests at stake were of immense importance, and that no government could afford to bear the sacrifice of them; and let it also bear in mind the growing causes of exasperation, before it decided on the real character of the transaction. What was Captain Elliot to infer from the instructions sent him, not to interfere with the enterprises of British merchants? Take the case of the regulations made by Captain Elliot with respect to vessels at Whampoa. In that case, and in consequence of the conflicts which had taken place between the crews of British vessels and the Chinese, Captain Elliot found it necessary, as he thought, acting under the powers given him by the order in council, to establish certain police regulations for the conduct of those vessels and their crews. In April, 1838, three years after the last despatches he had referred to, Captain Elliot wrote thus:—"Most serious disturbances, however, had been frequent on this point, and therefore, on my return to Canton, I drew up the accompanying memorandum, furnishing it to the commanders of ships as they arrived, in order that it might be read in the event of need."

Captain Elliot stated, that "The immediate circumstance which led to this measure, was a dangerous disturbance on board the ship, *Abercomby Robinson*, at Whampoa;"

And he added, that "Every season since the opening of the trade had been marked by constant scenes of disgraceful and dangerous riot at Whampoa, and my own personal attention could not at all times be given without public inconvenience."

What was the answer given to that letter? It was, that the order in council gave him no authority to establish police regulations. The reply of the noble lord opposite was to the following effect:—"The law-officers of the Crown think, that the regulations in question are not in any way at variance with the laws of England, provided they be duly made and issued by her Majesty, according to the Act of the 3rd and 4th of William IV. c. 93, s. 6, but that you have no power of your own authority to make any such regulations. With respect to the territorial rights of China, the law-officers are of opinion, that the regulations, amounting in fact to the establishment of a system of police at Whampoa, within the dominions of the emperor of China, would be an interference with the absolute right of sovereignty enjoyed by independent states, which can only be justified by positive treaty, or implied permission from usage. Under these circumstances, I have to instruct you to endeavour to obtain the written approval of the governor of Canton for these regulations, and as soon as the approval is received in this country, the proper steps shall be taken for giving force to those regulations, according to the provisions of the Act of Parliament."

Now he wanted to know what had prevented the government, two years ago, from giving to the superintendent at Canton the powers necessary to prevent a vessel, like the *Jardine*, from ascending the river—to establish regulations for the preservation of peace on board the British shipping at Whampoa—and to avoid that rupture which took place at a later period, in consequence of the ship, *Thomas Coutts*, going up

the river to Canton? He would prove, that at an early period the government had distinct notice of the deficiency of the powers possessed by the superintendent under the order in council. On the 1st of July, 1835, Sir G. Robinson informed the noble lord, that the superintendents did not possess the powers which the order in council professed to give them. He would read an extract from Sir G. Robinson's despatch. "Now, my lord, it is respectfully submitted that there were no regulations in existence of the nature contemplated in that order in council."

This despatch was received on the 28th of January, 1836, and therefore the government was then aware that the superintendents had no legal authority to act; and yet, on the 28th of May, 1836, four months afterwards, the noble lord told Sir G. Robinson, that "it would be desirable to extend the limits of the powers of the superintendents." Was such an answer consistent with the supposition that the noble lord had read the despatches? The government knew that the superintendents had no legal authority—that the order in council was a dead letter, that the superintendents had neither the powers of the supercargoes, nor any other power; and yet on the 28th of May, 1836, the noble lord wrote to say, "That his Majesty's government thought it desirable to extend the powers of the superintendents of British trade in China."

The noble lord went on to say, "I have therefore to instruct you publicly to notify, that the jurisdiction of the commission is to be extended, so as to include Lintin and Macao, and that from the date of the promulgation of such notification, the authority of the superintendents over British subjects and ships, is to be considered as extending to Macao as well as Canton, and as being of equal force and validity within this extended jurisdiction, as it has hitherto been within the limits of the port of Canton."

These were the wise general powers which should be given to the superintendents, of which the House had heard so much! The officer of the government informed the ministers that the order in council did not give him the powers which were necessary. They knew that fact in 1836. Four years had passed, and yet they had not supplied the defect. Indeed, four months afterwards, when they knew that the order in council was illegal, and that no jurisdiction existed, their answer was, that the jurisdiction of the superintendent was to be extended from Canton to Macao. The government could not deny that they were aware of the non-existence of jurisdiction; for, on the 8th of November, 1836, the noble lord opposite wrote, that the government was aware of the inconvenience arising from the undefined nature of the jurisdiction of the superintendents, and the want of power to enforce their measures. Now, it might be difficult to say, what might have been the effect, if the chief superintendent at Canton had possessed the powers for which he so earnestly pressed; it might be difficult to say, if he could have restrained the Chinese from ill-using English sailors, or murdering Iascars—if he could have prevented the outrages at Canton—if, when the Chinese were inclined to negotiate, and had actually entered upon negotiation, he could have prevented the rupture of that negotiation by the single act of a British captain—all this it might be difficult to show; but he now proceeded to establish, that with respect to the trade in opium, which her Majesty's government said was uncontrollable by the British government, that if the superintendent had had proper powers, which her Majesty's ministers knew that he had not, but which they neglected to supply him, some, at least, of the great evils which the opium trade involved in it might have been avoided. He said, that the evil was not merely in carrying on the illicit traffic, he admitted that it might have been most difficult to have prevented that traffic, he admitted that the cupidity which had risen up in consequence of long indulgence might have made it most difficult to suppress such a traffic, but the question was, whether proper powers, if vested in the superintendent, would not have robbed that traffic of much that had given offence to the Chinese government. He took the language of Captain Elliot. On the 30th of January, 1839, Captain Elliot wrote—"There seems, my lords, no longer any room to doubt, that the court has firmly determined to suppress, or more probably, most extensively to check, the opium trade. The immense, and it must be said, the most unfortunate increase of the supply during the last four years, the rapid growth of the east coast trade, and the continued drain of the silver, have, no doubt, greatly alarmed the government."

Now let the House listen to this passage—"But the manner of the rash course of traffic within the river, has probably contributed most of all to impress the urgent necessity of arresting the growing audacity of the foreign smugglers, and preventing their associating themselves with the desperate and lawless of their own large cities."

And observe that the opposition of the Chinese government was to the opium trade within the Canton waters; it was not merely the existence of the trade, but the manner of carrying it on, which exasperated that government. Captain Elliot said, in the same despatch,—“Whilst such a traffic existed, indeed, in the heart of our regular commerce, I had all along felt that the Chinese government had a just ground for harsh measures towards the lawful trade, upon the plea, that there was no distinguishing between the right and the wrong. But I told Howqua, that should never happen so long as the governor enabled me to perform my duty; and it could not have happened at all but for his Excellency's countenance.”

On the 2nd of January, 1839, he quoted this with reference to the illicit trade in opium alone, Captain Elliot said—"Carefully considering the critical posture of the momentous interests confided to me, and resolved as a preliminary measure upon an appeal to the whole community; not only with some hope, that such a proceeding might have the effect of clearing the river of these boats, but because (if the case were otherwise), I felt it became me distinctly to forewarn her Majesty's subjects concerned in these practices, of the course which it was my determination to pursue."

Captain Elliot proceeded—"There is certainly a spirit in active force amongst British subjects in this country, which makes it necessary for the safety of momentous concerns, that the officer on the spot should be known to stand without blame in the estimation of her Majesty's government; and it is not less needful that he should be forthwith vested with defined and adequate powers, for the reasonable control of men whose rash conduct cannot be left to the operation of Chinese laws without the utmost inconvenience and risk, and whose impunity is alike injurious to British character, and dangerous to British interests."

That complaint could not have been made if the powers which her Majesty's government must have known were wanted, had been given. But, above all, let the House read and well consider the private conversation which Captain Elliot had with Howqua on the consequences which must follow from the absence of these powers. On the 2nd of January, 1839, Captain Elliot wrote—"I hope it will not be thought intrusive if I mention that I have recently had a conversation with Howqua upon this point, on which occasion I explained, as carefully as I could, your lordship's reasoning in the debate in the House of Commons on the China Courts Bill. He concurred in every word that was said, and particularly on the inexpediency of drawing the subject under the attention of this government, till all things were ready to go into operation. He referred me with earnestness to the requests which had been made before the Company's monopoly was abolished, to make provision for the government of her Majesty's subjects, and he desired to know what more was wanted, and how it was possible the peace was to be maintained if all the English people who came to this country were to be left without control."

That was the opinion of one of the most eminent and most intelligent of the Chinese merchants,—the opinion of one who had had the most intercourse with Englishmen, who was best acquainted among the Chinese with the English character, who was best able to see the consequences which must flow from the absence of control over the English resorting to Canton. Captain Elliot also said—"Howqua further entreated me to remind 'my nation's great ministers,' that this government never interposed except in cases of extreme urgency, upon the principle that they were ignorant of our laws and customs, and that it was unjust to subject us to rules made for people of totally different habits, and brought up under a totally different discipline." "I must confess, my lord," said Captain Elliot, "that this reasoning appears to me to be marked by wisdom and great moderation; and, at all events, convinced, as I am, that the necessity of control, either by British or Chinese law, is urgent, I would most respectfully submit these views to the attentive consideration of her Majesty's government." "In fact, my lord," he went on to say, "if her Majesty's officer is to be of any use for the purposes of just protection, if the well-founded hope of improving things honourable and established, is not to be sacrificed to the chances which may be cast up by goading this government into some sudden and violent



assertion of its own authority, there is certainly no time to be lost in providing for the defined and reasonable control of her Majesty's subjects in China."

Why, what was the answer to this? Her Majesty's government had power by the China Trade Act of 1833; they knew that in January, 1836, the powers which the superintendent had were inefficient; that no other means could effect the required object but increased power, was repeatedly shown since 1836. The government were cognizant of this; they had it here, from a most intelligent native merchant, that, by Chinese law, the subjects of the British Crown could not be punished; and he asked, how it could be expected that the peace could be preserved without some powers of control were given to her Majesty's officer? Captain Elliot said, that he found this reasoning to be marked with wisdom and moderation; but, above all, the government had that prophetic warning of Captain Elliot's, that, if proper powers were withheld, he could not answer that some sudden and violent exercise of its authority might not be manifested on the part of the Chinese government, goaded as it was by the continual outrages of British subjects, stung as it was, to the quick, by repeated contempts of its authority, irritated almost to desperation by what neither they nor the British superintendent could prevent, her Majesty's government had in truth no alternative but to give the superintendent the means of definite control over all British subjects trading to China. Had he not gone far to show on this single isolated point—first, that the grave charge upon her Majesty's government, of not giving the superintendent the powers which they must have known that he wanted, and which were indispensable, was well founded; secondly, that there was reason to suppose that a great part of our present embarrassments arose from the want of control over the British at Canton, and the neglect of her Majesty's government to supply the requisite powers? What answer would be given to this by the noble lord? It would be said that application had been made to parliament to give the powers requisite, and that parliament did not meet the views of the government. He (Sir Robert Peel) would give a narrative of that application. In January, 1836, the government knew that the powers were defective, the order in council was a mockery. The session of 1836 commenced. No step was taken. In 1827 a bill was brought forward, but not till June 28. It passed the House of Commons without debate. It was withdrawn from the Lords also without debate, on account, it was said, of the lateness of the session. This was on the 10th of July. Parliament was prorogued on the 17th; that was to say, the government knew in January, 1836, that the superintendent had not adequate powers, yet parliament was not moved to give the powers for legislation until 1837, when the bill was withdrawn without remonstrance, and without a word, good, bad, or indifferent, being said upon it. 1838 arrived, and they applied again to parliament for increase of powers. They brought in the bill on the 30th of April, 1838, and there were, he believed, twenty-two postponements from day to day. It was read a second time in July. [Lord Palmerston: The 21st of May.] It passed the House of Commons in July. This bill, which had been unopposed in the House of Commons, and had been withdrawn from the Lords on the 10th of July, 1837, did not appear in committee in the House of Commons till the 28th of July, some twenty days after it had been withdrawn from the Lords in the previous session, on account of the lateness of the period. Papers were presented to the House on that occasion, calculated, if ever papers were, to mislead them. The House would be led to infer, from this correspondence, that every thing was in a satisfactory state with respect to our position in China. An opposition was made to that bill, and it was withdrawn. But what did that bill effect? It merely added a civil jurisdiction to the jurisdiction which existed before. But when they lost that bill in 1838, what had prevented them from exercising, by the authority of the executive government, the full power which they had under the act of 1833, and convey to their superintendent at least criminal and admiralty jurisdiction? He did not under-rate the importance of civil jurisdiction; but if, through the neglect or indifference of parliament or any other cause, the government had not succeeded in gaining the civil jurisdiction, they were perfectly independent of parliament, so far as the criminal and admiralty jurisdiction were concerned, which by order in council might have been established. They might say, indeed, that the consent of the Chinese authorities was necessary before they confirmed their own order in council, in which it was stated that the Chinese government not only consented to this control, but

they requested it to be conferred; and surely, they would not now fall back on the excuse, that they could not confer the powers because they had not the consent of the Chinese authorities. They despaired, perhaps, of procuring the assent of the Chinese government. What said, at a later period, their own superintendent? On the 26th of September, 1837, he said distinctly—"I would in this place, my lord, express a respectful but earnest hope, that no time may be lost in the promotion of adequate judicial institutions for the protection of the King's subjects; and I have no hesitation in assuring your lordship, that it is in my power to secure from the provincial authorities the most formal sanction of it."

Now, here he closed his case. He felt that he had established what he undertook to establish—namely, that her Majesty's ministers were in possession of the means to confer the necessary powers—that they were cognizant of the fact, that these powers did not exist—that they were sensible of the importance of them—that they received continual remonstrances on account of their absence from the superintendent and representative, and from January, 1836, up to this hour, the evil had continued to exist—had become aggravated by the lapse of time; but no attempt whatever had been made to supply it, although the law had provided them with ample power of furnishing it. As strong a case might be made out on the absence of moral influence which naval power gave under the peculiar circumstances in which the superintendent was placed. As strong a case might be made out with respect to the neglect of giving instructions. On these points he would not touch. He again repeated his deliberate conviction, that this great calamity with which we were threatened, was mainly attributable to the neglect and misconduct of her Majesty's government. At the same time there was another and perfectly distinct question, what under these circumstances of extreme difficulty might be fitting to be done? The right hon. baronet (Sir J. Hobhouse) had acquitted those who were opposed to the government of taking every opportunity of embarrassing the government by motions relating to their foreign policy; for the right hon. baronet had said, that during the struggle in the north-west frontier of India, at a time when the issue was doubtful, so little disposition was there to embarrass the government, or to take advantage of any defeat or calamity which, in spite of the best precautions, and the utmost gallantry of our soldiers, might possibly arise, that the opposition forbore from saying a single word upon the subject. The noble lord (Viscount Palmerston) smiled: but this was the testimony of his own colleague. This was the panegyric passed upon the conduct of the opposition by at least an impartial witness, being no other than the right hon. baronet, peculiarly charged with the affairs of India. And what was it that that right hon. baronet, who, from his position in the government, was best calculated to form a correct judgment as to the conduct of the opposition—what was it that that right hon. baronet said? Why, that pending the struggle on the south-west frontier of India, the opposition had acted with a wisdom, moderation, and discretion, which entitled them to the highest praise. He thanked the right hon. baronet for the conclusive reply which he gave upon that point to the hon. member for Lambeth (Mr. Hawes), who had not been quite so charitable in the construction which he put upon the conduct of the opposition. He (Sir R. Peel) had not the slightest doubt that if, in the present instance, the object of the opposition had been to devise the most merciful mode of attacking the policy of the ministry in reference to China, the mode by which they could have done so most effectually would have been, by bringing forward a motion denouncing the opium trade, and deprecating altogether the war into which we were about to plunge. If for party purposes they had made such a motion, he greatly doubted whether a considerable majority of the House of Commons might not possibly have voted with them. But he certainly could not consent to conciliate support to the motion now before the House, by any positive declaration that he denied the necessity of a hostile demonstration with respect to China. He might think, as he had said before, that a violent outrage had been committed, for which the government were responsible [cheers from the opposition], having failed to adopt the means that were in their power of preventing it, but which, having been committed, none perhaps but the melancholy alternative of war might remain. It might be that, after what had passed, British honour and the British name would be disgraced, unless some measure were taken to procure reparation for the injuries and

insults which had been committed on us. The noble lord had told them what were the motives for entering into this war. They were threefold; they were, "to obtain reparation for the insults and injuries offered to her Majesty's superintendent and subjects; an indemnity for the loss of their property incurred by threats of violence; and lastly, that the trade and commerce of this country should be maintained upon a proper footing." The exact meaning of this he did not know. [Lord J. Russell.—It is not what I said.] He thought it probable that the *Morning Chronicle* was correct in attributing those words to the noble lord. "Proper footing" were exceedingly indefinite words.

Lord J. Russell.—If the right hon. gentleman will allow me, my words were—"that lives and properties of British subjects trading in China should be secure."

Sir R. Peel.—But even if it should be demonstrated that hostilities were inevitable, he must say he should deprecate the conduct of them in the spirit in which they had been spoken of by the right hon. gentleman, the Secretary at War. When the right hon. gentleman referred to the vengeance which had been taken at the battle of Plessey, of having humbled in the dust the Dey of Algiers, he was speaking in a tone and a spirit not essentially necessary to the vigorous prosecution of hostilities, and which might aggravate the calamities of war. He might deprecate, also, the details which had been entered into of outrages committed by the Chinese, without some clear and more decisive proof with respect to some of those points. He knew how easy it was, from the past experience of this country in similar circumstances, to arouse the public indignation by the detail of individual outrages; but they ought to be perfectly satisfied of the evidence on which the allegations rested. An advantage had been taken of an expression used by an hon. member in the heat of debate, with a joyfulness which proved to him how happy hon. gentlemen opposite were to have any adventitious aid, even from the casual expression of a man whose character and uniform manner must have taught them they were putting a construction upon his expressions which he never meant. What was the evidence that the Chinese had resorted to an act which all must admit to be contrary to the usages of war—the poisoning of the wells? It was alluded to in a despatch of Captain Elliot, who said he had heard of a placard declaring that the wells were poisoned, and that he did not believe that it had been done with the consent of the Chinese authorities. There was not the slightest evidence of the fact that there had been any poisoning of the wells, and he deprecated any allusion being made to such a fact, for the purpose of exciting public clamour against a great people, but a people of unwarlike habits, and with whom it was of the utmost importance that, after the hostilities we might be forced to enter into, amicable relations and a friendly spirit might again be renewed. The poisoning the wells would be bad enough, but let them not on that account poison the people of this country by allegations such as those he had referred to, while unsupported by sufficient proof. There had been outrages committed by the people of China, and he regretted it; but he might set against these outrages the testimonies which had been borne to the character of the people of that country; and though an individual act might have been committed which would admit of no defence, they should also recollect the provocations the Chinese had received. They should recollect the acts of Lord Napier—they should recollect the publication of a printed placard in the streets of Canton, which roused the people of that country against us—and they should recollect the effects that might be produced on a nation ignorant of our usages by such appeals. They should recollect all the collisions which had taken place, and he believed they would then be surprised at the forbearance of the Chinese under the great irritation and exasperation which they had received, and recollecting that, they would not try to aggravate the necessary horrors of war, by laying the foundation of permanent lasting hostilities. Honourable testimony had been borne in the despatches before the House to the character of the people of China; and he wished to refer to their conduct, when they delivered up to the British authorities, fifteen British seamen who had been wrecked on their coast. Captain Elliot says:—"The fifteen people belonging to the brig *Fairy*, were despatched to Canton by the government of Fuhkeen on the day after the arrival of the *Raleigh* at the mouth of the Min river, and they were all safely delivered over into my hands, by the authorities of this province, on the 2nd inst. Their generous treatment by

the Chinese authorities has been in the highest degree honourable to the humanity of this government, and I have not failed to convey my respectful sense of such conduct to his excellency the governor."

Captain Elliot also said :—" Before I dismiss this subject, I would respectfully suggest and request that your lordship should address a letter to the governor of Canton, expressive of thanks for the very generous treatment of these fifteen persons. They were well fed, lodged, and clad, and upon their final departure from Foo-chow-foo, each individual received a present in silver to the amount of about 50s. The one-half of their journey to Canton was performed in chairs. There would be no difficulty in transmitting your lordship's letter to the governor through an officer, as was done in the case of the Governor-general of India's communication, brought on in the year 1829, by Captain Freemantle."

Now, he wished to ask the noble lord if he had acted on that suggestion—and if he had attempted to mitigate the hostile spirit of the Chinese authorities by returning some civil acknowledgment for such an act? Another favourable testimony had been borne to the character of the Chinese. When Captain Maitland was leaving China, he said it was a duty he owed to the commander of the war-junks at Canton to state, that their conduct had been marked by the strictest propriety. Captain Elliot, speaking of the general position of the English in China, said that there were many proofs of the sense of justice entertained by that people before the late outrages took place. He said that in no part of the world was life and property so secure as in Canton. He added, speaking of the act of humanity towards seamen, that he believed that in many important respects the Chinese were the most moderate and reasonable people on the face of the earth. After all those collisions and animosities, they had it from their own officer, the superintendent of Canton—that he believed the Chinese to be in many respects the most moderate and reasonable people on the face of earth. He only asked them at the moment when they were meditating this blow, not to direct it in a revengeful spirit. War, if engaged in, must be conducted with vigour; but for God's sake, if they were going to enter into hostilities with an unwarlike people, amounting to 350,000,000, let it not be in a vindictive spirit. Was there any man at the other side of the House who repudiated this sentiment? Did they not wish that justice should be executed, and that the foundation of permanent tranquillity should be laid? The Chinese had an extensive demand for our commodities, and we might depend on it, that every blow we struck in this contest, would recoil on ourselves. We should ravage no place in China, without in some degree injuring some manufacture at home. He did not underrate our powers in any conflict; it was evident we must have the superiority. They could not read the history of the action of the English frigates with the war-junks, which had passed up their line, sinking one after the other, whilst the only shot which struck the English, was one in the mainmast, without feeling that our superiority was great indeed. But let us not be deceived as to the perilous nature of the conflict, and its necessary consequences. A new power might arise amongst millions of people, and new weapons which national honour might furnish—nay, even in the majesty of our power, in the certainty of our success, might consist our ruin. We had taken vengeance at Plessey for the horrors of the Black-hole at Calcutta, and how little was it apprehended that such immense results would follow! He was struck by the remarks of the historian on those events. Mr Clive marched in 1757, at the head of 700 Europeans, and 1,500 natives, obtained a great victory, and a great revolution was the consequence. In the space of fourteen days, one sovereign was deposed, and another placed in his stead. In fourteen days a great revolution was effected, and a government superior in wealth, territory, and population, to most European states, was transferred from one sovereign to another, under the command of a man wholly unacquainted with the arts of war. He (Sir R. Peel) did not know what might be the result of the war with China. He did not know to what revolution it might give rise. There might be universal anarchy, and we might have no alternative but to take the course which they had taken before, and they would then find themselves the necessary masters of that mighty people. Let them remember, too, that there were other powers concerned; and in the course of a conflict with a commercial people having relations with so many powerful countries, they ought to be prepared for the possible contingency of collisions with the nations

which traded with China. It had been thought, that other nations would make common cause with us for the purpose of extorting general advantage. Do not act (said the right hon. baronet) on that opinion. You instituted a blockade on the 11th of September. You withdraw it on the 16th. You instituted it on the supposition that a boat was missing, and you withdraw it because the supposition was a mistake, and the boat was recovered. But do not forget, that the result of your blockade was a protest from the Americans, who told Captain Smith that the blockade was unlawful, and that he must be responsible for any loss they might suffer from it. But I cannot help thinking, that the protest was more effectual in putting an end to the blockade, than the recovery of the men. That protest must have dissipated the illusion that common cause would be made with us by the other Christian nations. Have you read the recent debates in Congress? Have you referred to the despatches of Admiral Owen, who was stationed on the coast of China; who says—"Whilst, during war, our naval superiority had driven away every flag from Canton but our own, the threat of stopping trade was an effectual restriction on the Chinese authorities. But since the Dutch, the Danish, French, American, and even the Russian flags have, I believe, now found their way to China, there are not wanting those who will instruct the Chinese governors and others, that an export under such flags may be made with as much benefit to China, and the vessels will be more under the control of, and better subjected to, their regulations."

Again and again, I say, do not enter into this war without a becoming spirit—a spirit becoming the name and character of England. Do not forget the peculiar character of the people with whom you have to deal, and so temper your measures that as little evil as possible may remain. Remember that the character of the people has lasted for many generations, that it is the same now that was given to them by Pliny, and many subsequent writers. It is your duty to vindicate the honour of England, where vindication is necessary, and to demand reparation wherever reparation is due. But God grant that all this may lead to the restoration of amicable relations with China, with little disturbance of our relations with other nations! In the absence of every confidence in her Majesty's ministers, I will express a wish, in which the party of the right hon. member for Edinburgh would join—I pray the Almighty Disposer, from whom all just counsel and good works proceed—I pray to God that he will dispose the minds of this people, and defend them from the evils which they may deserve. I pray to God that he will avert from them the calamities, and turn from us the evils, which, I must say, the neglect and incapacity of our rulers have most righteously deserved.

On a division the numbers were: Ayes, 262; Noes, 271; majority against the resolution, 9.

APRIL 11, 1810.

SIR ROBERT PEEL said, that he had given notice of a motion for the production of the orders in council, directing reprisals to be made on vessels belonging to the Emperor of China, or any of his subjects; but he found that the necessity for that motion was obviated by the order in council which the noble lord had just laid on the table, directing such reprisals, and ordering a commission for the constitution of Admiralty or Vice-Admiralty courts. That commission had not yet been made out, but he hoped that when it should have received the assent of the Crown, there would be no objection to laying a copy of it before the House. [Viscount Palmerston: None.] It was not his intention to say any thing which could raise any debate on the subject at present, but he apprehended that the order in council authorized positive instructions to be given to all her Majesty's vessels of war to seize all vessels belonging to the Emperor of China, or to any of his subjects. This he apprehended was not a limited but a general order, extending not alone to the coasts of China, but to vessels of that nation wheresoever found. Then, in the event of seizure taking place, he would ask what was to become of the property so seized? Were such seizures to become droits of the Crown? He apprehended that the Admiralty courts would not proceed at once to adjudication, but that the course would be to detain the vessels, as the adjudication would depend on ulterior events, upon the contingency of the Emperor of China making compensation for the losses sustained by British subjects. But the principle question which he wished to

put to the noble lord was, whether the order in council contained instructions to all her Majesty's vessels of war, to seize all ships belonging to China, in whatever seas they might be found?

Viscount Palmerston said, that the order in council contained full authority to all captains of her Majesty's ships of war to seize and detain all Chinese vessels they might fall in with; but practically the order would apply only to such of her Majesty's ships as were on the coast of China—for Chinese vessels were to be met with only in the seas bordering on their own coasts.

Sir Robert Peel: The noble lord then assumed, that the trade of China was carried on only on its own coasts? [Viscount Palmerston: Yes.] In ordinary circumstances that was perhaps the case, but under new circumstances there might be exceptions. He would now beg to ask the noble lord whether the usual proclamation as to the distribution of prize money had been issued?

The subject then dropped.

## GRANT TO MAYNOOTH.

JUNE 23, 1840.

Mr. Plumptre presented several petitions against any further grant to the Roman Catholic College of Maynooth; and moved, "That, after the grant for the current year, no further payment of public money be made for the said college."

SIR ROBERT PEELE said, the hon. gentleman (Mr. Litton) was a correct prophet with respect to the vote he (Sir R. Peel) should give on the present occasion, but the hon. gentleman was not equally happy in his anticipations as to the speech he (Sir R. Peel) should make. He did not intend to rebuke those who had proposed and supported the present motion, neither should he express any compunction or regret for the course he was about to take. He was bound to say, that no man at present in this House, or who had ever sat in it, when he did come forward on a public question, was actuated by purer or more disinterested motives than his hon. friend, the member for Kent, who had brought forward this motion. But he (Sir R. Peel) had not the slightest hesitation as to the vote he should give on that motion, or in avowing the grounds upon which he should oppose the pledge contained in it. In the first place, it would be calculated to give equal dissatisfaction to those who would be affected by the vote, whether the grant were to be immediately withdrawn, or whether the House pledged itself to a withdrawal at a future period; for, if there had been a contract, as was contended, that contract would be quite as much violated by a withdrawal of the grant next year, as if it were to take place now. Having passed the grant for the last thirty or forty years, and as persons had prepared themselves for Maynooth, on the faith that it would not be withdrawn, the pledge to withhold it next year would be productive of quite as much embarrassment as if it were proposed to withhold it at present. For his own part, he did not think that there were sufficient grounds for violating an implied understanding upon which parliament had acted for thirty years; and he could not acquiesce in any motion for withholding the grant, unless stronger grounds were made out to show him that he had been in error in the votes which, for the thirty years that he had been in parliament, he had given upon this subject. The foundation had been established in Ireland at a period when religious animosities ran as high, at least, as they did at present, and political divisions were as great as they were now. It had been established, by a parliament exclusively Protestant, as an instrument to produce a disposition favourable to the Established Church, and to discourage the Jacobin doctrines which a foreign education was calculated to engender in those who were educated for the Roman Catholic priesthood of Ireland. The grant had survived the Act of Union, and had been continued by Mr. Perceval in 1806, though something diminished in amount. It was continued, even after the event connected with the election of 1806, by Mr. Perceval, who thought that its continuance was necessary for the fulfilment of the public faith. It was still further continued, after the removal of the disabilities which affected the Roman Catholics; and, being retained under all these great changes, he did not see now, why the House should pledge itself to the abolition. He did not mean to say, that there had been any contract entered

into; but, originating as the grant did, and having survived so many changes, he must confess, that he could not help thinking, that a concurrence with the motion would show a hostile disposition towards the Roman Catholics of Ireland. He could not, however, concur in an observation which had fallen from the noble lord. He did not think that there existed such a compact as ought to prevent the interference of the legislature, if the grant should be perverted to evil purposes. He could not agree in the opinion, that the system of instruction pursued at Maynooth ought to be a matter of indifference to the House. He had not heard that observation made by the noble lord, but he had heard it imputed to him, and he had not seen, on the part of the noble lord, any sign of an energetic denial. Now, the system of education was a legitimate matter for the consideration of parliament, and the House would abandon its duty, if it were to avow the doctrine, that, because the grant had been continued for thirty years, it was, therefore, pledged to say to Maynooth, "You may inculcate what doctrine you please, however injurious to the supremacy of the law, and destructive to the established government and monarchy of the empire." If an opinion of that kind were put forward, he, for one, would never concur in it; and he thought it should be repudiated by every member of the House. A misappropriation of the grant would form a very proper subject of inquiry; and if it were proved, the question might be submitted to the House, whether, on that ground, the vote ought not to be discontinued. If accusations of this sort were made, all he could say was, that the recipients of the grant were the persons who should show most interest in challenging inquiry, for the purpose of conciliating the good will of the public, by showing, if such was the fact, that the charges were groundless. Under such circumstances, so far from inquiry being injurious, they should, as he said, be the first to challenge it. But, at the same time, he should say, that nothing but full proof of abuse, would render it wise in the House of Commons to enter into a pledge as to the future with respect to this grant. To him, however, it would be much more satisfactory to have the ground of accusation cut away, and, having established that, he should be able to give the vote which he was about to give with greater satisfaction. When persons not hostile to the establishment admitted the necessity of inquiry, at the same time that accusations were made, it was but fair that some inquiry should be entered upon which would remove the suspicions thus engendered. He had now given his opinion upon the question, without either censuring the opinions or impugning the conduct of the hon. gentleman by whom the question had been brought forward.

The House divided: Ayes, 42; Noes, 121; majority against the motion, 79.

## THE ADDRESS.

JANUARY 26, 1841.

The Speaker having read to the House a copy of the Queen's speech, Lord Brasen moved the Address in reply.

SIR ROBERT PEEL said, that there was one subject of such surpassing interest, connected with the peace of Europe, and with the general interests of humanity, which so completely cast into the shade all other topics, however important those topics might be in themselves, that it was hardly necessary upon that occasion to notice the omissions that were made in the speech, or to criticise the language in which the various topics were mentioned. If he were inclined to criticise the speech, he could not say that he ever recollected a speech which was more successful than this, in that merit which was generally conceded to documents of this description, the merit of saying as little as possible. On that point, he could not deem it a complete failure. The speech must be considered as the speech of her Majesty's ministers, and it possessed the advantage which had been ascribed by a great diplomatist to all language, that it was given to man for the purpose of concealing his thoughts. It was a careful speech, for the hon. gentlemen, the mover and seconder of the address, found it so utterly impossible to eke out their own speeches with becoming decency to the ordinary length, if they had confined themselves to the topics mentioned in the speech itself, that they felt it absolutely incumbent on them, even at the risk of offend-

ing her Majesty's government, to introduce many matters which they thought ought to have been introduced into the speech itself. The state of Canada, and the intentions of the Crown with respect to the union of the provinces, was one instance. It was omitted in the speech; it was touched upon by the hon. mover. The boundary question, again, was touched upon by the hon. seconder. The state of Ireland, and the progress of the repeal agitation, touched upon by the mover. The state of the war in India, and the progress of our arms in Affghanistan, again touched upon by the mover and the seconder. They gave a tacit acknowledgment, from which it was clear what were the topics that they would have introduced if they had prepared the speech for the throne. Nay, it was clear that they were in possession of information which did not appear to have reached her Majesty's government; for, talking of China, one of the hon. gentlemen exulted in a tone which those who had prepared the present speech could hardly have entertained. It seemed, then, that the document which had been supposed to be an edict of the Emperor of China, was not authentic, because the hon. gentleman had talked of the "humble tone assumed by the Emperor," and the hon. gentleman was fully aware of an arrangement that was to give indemnity for the losses suffered by her Majesty's subjects. He hoped that the hon. gentleman's information would prove to be correct, but all the speech asked the House to do was to concur in a mere statement of a matter of fact. The speech said only—"Having deemed it necessary to send to the coast of China a naval and military force, to demand reparation and redress for injuries inflicted upon some of my subjects, by the officers of the Emperor of China, and for indignities offered to an agent of my Crown, I, at the same time, appointed plenipotentiaries to treat upon these matters with the Chinese government. These plenipotentiaries were, by the last accounts, in negotiation with the government of China; and it will be a source of much gratification to me, if that government shall be induced by its own sense of justice to bring these matters to a speedy settlement by an amicable arrangement."

This was certainly a very moderate, and no doubt a very justifiable hope, but it was at variance with the assurance, on the faith of which the hon. gentleman had made his comments. He thought, however, that those who had framed the address in such cautious terms, had done quite right, for he held that unless notice were given, the address should always be so framed as not to demand any opposition, considering especially the disadvantages under which hon. gentlemen making any opposition necessarily laboured. There was, however, one topic of paramount importance—the present state of Europe, and the foreign relations of this country. On the very threshold of the discussion, he could not but express his deep regret and despondency, when he contemplated the present state of our relations with France, and when he heard on every side the din of military preparation. He did hope that, after the lapse of twenty-five years of profound peace—and with a new generation arrived at maturity, who had not taken an active part in the exploits of the last war—he had hoped that all fear had been dissipated, that there had been new guarantees for a prolonged peace, and that mankind generally had been convinced, not only of the inestimable advantage, but of the great moral obligation, to maintain peace, unless for the security of the nation, or for the vindication of the national honour; and he did hope that new material interests had arisen, which would effectually keep down any fresh demonstration of a warlike feeling. With respect to France, whether in power or in opposition, he had never held but one language, or one opinion, that a cordial and good understanding between France and England was essential to the peace and the welfare of Europe. He did not mean to say he was convinced that an intimate alliance of an exclusive nature between this country and France, giving offence to what the hon. gentleman called the great despotic and military powers of Europe—he was not prepared to say that he saw so fully the advantage of such an alliance as others; but no one felt more strongly than he did, that the best interests of humanity were involved in the maintenance of cordial good will and amicable relations between us and France. The French nation, or at least a part of it, entertained a false conception of the opinion of the people of England. It was not true that we felt—the man would be base and ungenerous indeed, who could feel—any triumph in the supposed humiliation of France. He did not believe that there was any wish on the part of this great community, though it had been called her natural enemy, and which had certainly been long and warmly engaged in conflict with her: he did not believe that there



was the slightest wish that the power or authority of France should be curtailed, or that there would be the least rejoicing at any reverses befalling France, or subjecting that country to humiliation. At the same time, with that feeling strongly rooted in his mind, he was not prepared at once to say, that the policy which had been pursued of attempting the settlement of the eastern question was not necessary. He could conceive a case of complication arising from the Syrian question, if no vigorous attempt had been made at an adjustment, which would have involved this country in the very war which he was so much inclined to deprecate. It was no doubt true, that the Turkish empire had been long exhibiting symptoms of decadence and weakness. Still it existed in a state of decadence, and weakness was widely different from the approach of the actual dissolution of that empire; for in that event new interests would arise in Europe, and every effort should, in his opinion, be made, to prevent that conflict of interests, and that actual collision, which would arise on the dissolution of the Turkish empire. It was quite clear that the position which the Pacha of Egypt had maintained had become inconsistent with the independence of the Porte, and the interests of this country with Turkey. Well, then, it was said by some hon. gentlemen, "England shall have nothing to do with this; the events apprehended are merely a contingent possibility; they will take place at a remote part of the Mediterranean; and the true policy of England is, therefore, to refuse to take any part in the adjustment of these matters, for fear of the risk which we run." Now, let him take the opinion of the hon. member for Kilkenny, with respect to Russia, as correct—and mind, he did not assent to it—it was impossible to disguise from ourselves the relative position of the Russian empire, and of Constantinople. The peculiar nature of the Russian position, and the force of circumstances, must naturally subject her to jealousy and suspicion; but the course which Russia had pursued ought to have exempted her from some of the aspersions that had been cast upon her. But suppose those suspicions should be well founded, what was the security if we refused to interfere, and Russia were actuated by such ambitious designs as the hon. gentleman attributed to her, would she not take upon herself the part, or exclusive protection, which we refused to take upon ourselves? The hon. gentleman thought that the troubles which had taken place on the north-western frontiers of our Indian possessions were attributable to Russia. Suppose Russia should gain possession of Constantinople, in consequence of the growing weakness of the Turkish empire, would the hon. gentleman view that event with complacency? The hon. gentleman (the member for the City of London) clearly would not, because he stated that, in such an event, he would resort to the physical and material power of England to dispossess her of Constantinople. If that were a sound policy, and if it would be an object for England to dispossess Russia of Constantinople, when once she had gained possession, those who were of opinion that we ought to be prepared so to act in such an extremity, could not object on general grounds to that line of policy which would prevent Russia from getting there—which would prevent, by the exercise of our moral influence, the occurrence of that great calamity which would compel us to go to war with Russia, on ground where Russia, by her contiguity, must have a great advantage over us. It might be no easy matter, considering the position of Russia with Constantinople, and our own distance from the scene of action—it might be no easy matter to make the evacuation of Constantinople by Russia one condition of peace with us. The co-operation of France in effecting a settlement of the Eastern question would unquestionably have been of inestimable value. Of that there was no doubt, and when we were obliged to relinquish the hope that France would cordially unite with us in effecting that settlement; first, by the means of advice, and, secondly, by the aid of a demonstration, the question assumed a new shape, it was to be viewed under a new aspect, the chance of success was much less, the risk of evil was much more; but he thought that it would be difficult to say that if four great powers of Europe, acting as he assumed for the sake of argument, they did, with perfect integrity, really believing that the advance of a rebellious vassal upon Constantinople would be the signal for the dissolution of the Turkish empire, that great evil would arise from the necessary partition of the Turkish dominions, and if they were convinced that the general interests and welfare of Europe required an active intervention, he was not prepared to say, that when one of those powers refused to take part in that mediation, the other four powers should of necessity desist,

because he was afraid that the consequence of such an example would not be limited to the single case, but that if the one power could exercise such an authority in the affairs of Europe, it would be tempted to extend its influence beyond that range. He would, therefore, suspend his opinion with respect to the convention till he should have received that further information from her Majesty's government, which he presumed they were prepared to give. They might be prepared to shew that the consequence of a refusal, on the part of England, would have been the immediate interference with Russia. They might remind us, that the event which occurred in 1833 would have occurred in 1840. The Porte applied to us, in 1833, for protection against this very vassal, Mehemet Ali: we refused; what was the consequence? The Porte applied for assistance to Russia; Russia did step in and interfere, and she received, as her reward for that assistance, the treaty, against which we were the first to protest, and which we were obliged to tell her we could not recognize as part of the law of Europe; we were almost driven to war, the very act which might be assumed to be again possible. It was possible that Russia might see her neighbour about to be spoiled, without justice, by one of her subjects usurping the power and authority delegated to him for the purpose of overthrowing his lord. He did believe that, in such an event, Russia or Austria would feel the necessity for an interference; he believed also, that there would be a recurrence to the course taken in 1833; and depend upon it Russia would not twice thus protect Turkey, and twice save her from annihilation, within a space of seven years, without these powers being placed in the relative position of master and slave. He therefore suspended his judgment upon the propriety of the treaty until he should have received the fullest information; but he should not be acting with justice, if, in the absence of that information, he were to agree to any amendment which would be a censure upon the parties to that treaty. He was prepared then to admit, first, that intervention might have been necessary—advisable, perhaps, if we could obtain the co-operation of France—that it might have been necessary, even if the co-operation of France were wholly refused; but he must say that, in proportion as the assistance of France was withdrawn, in proportion as we lost the chance of that cordial co-operation and assistance, which was so essential to us, because the absence greatly diminished the chances of our success—so ought we to have shown, and he trusted that we had shown, throughout the whole of the proceedings, the utmost consideration for the not unnatural feeling with which France would view a revival of the alliance of 1814. It was impossible to admit that there was any analogy in principle between the two treaties; but unfortunately with a sensitive and susceptible people, sometimes the coincidence of facts and circumstances stood in the place of a principle. Yet nothing was more dissimilar than the principle of the quadruple treaty, and that of the treaty which led to the occupation of Paris in 1814. He could make allowance, however, for the feeling of that country, which was among the most distinguished—he could not say more distinguished than our own—for having always set, and justly set, the highest value on its military character. He should be, indeed, sorry, if the French viewed the transactions of 1814 as any humiliation; they must naturally view with regret the reverses to which they were subject, but he was sure that no impartial man, reading the history of that campaign, unfortunate as the termination might be for France, could feel any other than the highest admiration for the skill of her general and the bravery of her soldiers. But the event was too recent, and the reverses, were too great, not to render France exceedingly jealous of any new alliance. He agreed that the evil of excitement by hon. members, aggravating that jealousy, was very great. He attached great importance to this point, and he hoped that the noble lord would not say that he had agreed in the propriety of the higher portion of the subject, and that he had censured only the minor part—that he admitted the great part to be good, and had carped at the small. If it had become necessary to act without France, he would have exhausted every means to convince France of the propriety of our course, he should have come to the resolution to act without her with the greatest regret and reluctance, and he would have left—as he hoped the noble lord had left—distinctly recorded the grounds for what, he trusted, was only the temporary secession of France: he would have exhausted every thing to show deference to the wounded feelings of France. Now, he told the noble lord that there was one point which, on reading the French debates, had given him the utmost concern.

He would quote exactly what passed in the Chamber of Deputies, and the report carried with it internal evidence that both parties concerned in the discussion were acting with perfect honesty, and were only describing their own feelings. M. Guizot was making a speech on the address, and stating the general warning which he had given to the French government, that the proceedings might possibly lead to a negotiation between the other powers, when he was interrupted by M. Thiers, who said:—"I will prove with the documents in my hands, since it appears that I am placed in a position of being compelled to justify myself in presence of an Ambassador who received his orders from me; I will prove, I say, to M. Guizot, that he told me, on the 14th of July, that we had still plenty of time before us, and that there was nothing to render urgency necessary."

To which M. Guizot replied:—"That is true. I foresaw what was probable, but I was sure of nothing."

Whereupon, M. Guizot proceeded to read further extracts from his despatch, when M. Thiers said:—

"This is all very true, but you quote only a portion of the letter. You will permit me to quote the other portion.

"M. Guizot—Certainly.

"M. Thiers—I will prove that you wrote to me on the 6th, 9th, and 14th of July, as follows:—'The English cabinet is in deliberation—there is great agitation—there is a crisis; but nothing as yet decided. Two plans have been prepared—one for five powers, for which propositions have been made to France, and the other for four powers, in the event of France refusing the propositions that will be made to her.' This is what you wrote to me. All your letters contain the supposition that before signing any treaty a proposition would be made to France.

"M. Guizot—That is true; I believed that such would be the case. All the world knows, that during the last days of the negotiation, France was kept in ignorance of what was going on. I was not exactly informed of the proceedings. What I told you, was what I believed. The treaty was concealed from us. This was wrong. It was not delicate conduct, and it was a proceeding against which I loudly protested. I was myself ignorant of the treaty, and therefore could not inform you of it. The fact of the treaty having been signed was not communicated to me until the 17th of July, two days after it took place."

He had read that passage with great concern. The noble lord might say, that from the month of October, to the month of July, intimation was given to France, that negotiations were pending, and that France ought to have conceived that the treaty would have been signed. He did not deny that this was not different from the general tone of the language held by M. Guizot. But, considering the character of the man, and especially considering the friendly feeling of M. Guizot towards England, he could not but say, that after the signing of the treaty of the 15th of July, between the powers who were severally parties to the treaties of 1814 and 1815, having such a man as M. Guizot resident amongst us, and leaving him ignorant of the fact, he was not surprised that there should be some ground for indignation. He did not assert that the parties to the treaty might not have signed it without the concurrence or knowledge of France; but he thought that they would not have been going out of the way to have dealt with the prejudice, and he thought that there would have been an advantage, if in the most temperate and considerate way we had apprised M. Guizot that the object must be attained, and saying to him, "If you do not immediately determine to join with us, we must proceed without you; and in strict candour we must tell you that the affair must be settled." He had carefully read all the letters, and though M. Guizot evidently saw in a dark vista the possibility of a treaty, yet, on the 6th, 9th, and 14th of July, he believed it was distant, and he was in the humiliating situation of not being aware that on the very next day to the 14th, the treaty would be signed. He did regret that proceeding. The noble lord said that it was better to communicate the treaty itself. If the noble lord had said to France, "We are going to war with Syria, and are indifferent whether you join us or not," he believed that it might have been offensive; but if he had gone and said, in a perfectly conciliatory spirit, "This is about to be done; will you co-operate with us, or will you decline to aid or countenance us in our proceedings?" he could not help thinking that much of that interruption of the friendly

intercourse which had formerly prevailed, which had taken place, might have been prevented, and he certainly could not help thinking that such a course would have given much less offence than that which had been adopted, of signing the treaty, and then communicating the fact. In private life it must be felt that such would have been the fitter mode of proceeding, and it would have been certainly the more friendly course to communicate the positive intention to do an act, than to adopt the act and then to make it known. Let them recollect what had happened at Verona. In the year 1822, France was about to march an army into Spain, and the circumstances which then existed were not dissimilar to those of the present case. At Verona, France communicated to the allies her intention to invade Spain. The three other powers, Russia, Prussia, and Austria, countenanced the proceedings, but the Duke of Wellington and Mr. Canning decidedly objected to it. But there was, up to the last moment, the most unrestrained communication between the four powers who were parties to the intended invasion, and England, and he could not help thinking, that if the army had been marched without a previous communication being made to England, feelings would have been expressed of regret and disappointment at that course being taken. The noble lord would find, that communications had passed between M. Chateaubriand and Mr. Canning, and that, in consequence of the remonstrance of England, M. Villèle was sent to keep back the army which France was about to send,—facts which proved at least that England was admitted to the conference. All that he contended for was, that this was the more friendly course, and although they might fail in convincing the party of the necessity of the course which they were about to pursue, much of that jealousy might have been prevented which was the result of deciding on and adopting an act one day, and communicating that fact the next, and then saying it was too late to interfere. There was another point upon which he felt bound to say a few words. He must enter his protest against parliament having been allowed to separate last year without a knowledge of the events then in progress having been communicated to it. We were on the point of a rupture, affecting the interests of Europe, and the maintenance of our communication with a powerful empire, when the parliament was permitted to separate. Parliament was sitting on the 15th of July, when the noble lord said, that he still hoped for the cordial co-operation of France; that France had expressed a favourable opinion with respect to the independence of the Ottoman empire, and the general tenor of the speech of the noble lord was, that France was favourable to his views. The noble lord had then the letter of M. Guizot in his possession, containing a strong remonstrance upon the subject of the treaty, and considering the manner of that letter, and that the British parliament was then sitting, he did say, that whatever the technicalities might be, attending the ratification of a treaty, it was not fit that parliament should have been dismissed at a moment when such important matters, requiring such mature deliberation were pending. He must say, if such conduct were to be acted on as a precedent, it would undermine the authority of parliament. But the peculiar conduct of the noble lord with regard to the treaty should be remembered. So anxious was he for its immediate execution, that the parties to it consented that it should be put in operation without waiting for its ratification. Their orders were given to their naval and military commanders to convey fire and sword into the heart of Syria. They knew the ratification of the treaty was not necessary in order to carry its provisions into effect; they knew that its practical execution must endanger our connection with France; and yet, notwithstanding the insufficiency of its completion, they proceeded on it. As there were many points in connection with this subject, upon which, before he could form a correct judgment, he must see the official information of the progress of the treaty; and as, before he could judge of the foundation of the opinions which had been expressed with regard to the possible designs of Russia and other powers, we must also be put in possession of similar correct details; he should say nothing now on the subject of the progress of the negotiation, of the objects which were sought to be attained, or of the mode in which the negotiation was carried on. Considering the position of M. Guizot, he was perfectly convinced, that nothing could be further from the intention of the noble lord than to act unfairly towards him; but he could not help thinking, that the letter of November 2nd, from M. Guizot to M. Thiers, in which he said, that he thought, that there was something to find fault with in what was being done, was not a commu-

niation which could be considered useful. He could not help saying, that he shared in the feelings of regret which were expressed, that the name of France was omitted in the speech from the throne. It was difficult to over-estimate the force and effect of that omission upon the minds of the French people. Could there have been any difficulty in taking the words of the noble lord himself, and expressing regret at the occurrence, maintaining at the same time their own ground, making no concession in point of argument, but expressing merely their regret at the termination of the alliance? In a former speech from the throne they had mentioned the alliance as a security and guarantee for peace. Admitting, if they would, that France was to blame, would there have been anything conceded in the expression of regret, that from some cause that alliance was at an end? The expression of regret could not be attributed to any but that which was the real cause. It could not be ascribed to weakness, because they took credit for signal success, and could there have been a more becoming addition to such a portion of the address, than that regret was experienced at the interruption of those friendly relations which had so long subsisted? If such a thing had been done, it would have been an argument immediately directed against those who took every opportunity of inflaming the minds of the French public against this country; her Majesty said, "I have the satisfaction to receive from foreign powers assurances of their friendly disposition, and of their earnest desire to maintain peace. The position of affairs in the Levant had long been a cause of uneasiness, and a source of danger to the general tranquillity. With a view to avert the evils which a continuance of that state of things was calculated to occasion, I concluded with the Emperor of Austria, the King of Prussia, the Emperor of Russia, and the Sultan, a convention, intended to effect a pacification of the Levant; to maintain the integrity and independence of the Ottoman empire, and thereby to afford additional security to the peace of Europe."

If France had conveyed to this country an intimation of her friendly disposition, and that it earnestly desired to maintain peace, what would there have been derogatory to the dignity of this country in expressing a similar feeling? Again, if the speech were true, and he must take it to be true, her majesty said—"I rejoice to be able to inform you that the measures which have been adopted in execution of these engagements have been attended with signal success; and I trust that the objects which the contracting parties had in view are on the eve of being completely accomplished. In the course of these transactions my naval forces have co-operated with those of the Emperor of Austria, and with the land and sea forces of the sultan, and have displayed upon all occasions their accustomed gallantry and skill."

What were the objects which the contracting parties had in view? Not the destruction of the army of Ibrahim Pacha; no, the great object was, the maintenance of the independence and integrity of the Ottoman empire; and by that means the additional security of the peace of Europe. If they were on the eve of attaining that great object—if they were going to take a new guarantee for the peace of Europe, what objection could they have to the insertion of that expression of regret, which he believed would have been suitable to the case? He fully and sincerely hoped that the clouds which now overhung the subject would gradually disperse, and that Europe would not be visited by those troubles which were threatened. He conceived that there could be nothing more mischievous than the renewal of war. What the consequences might be no man could foresee. What the amount of capital, of time, wasted on preparations, we all are witnesses. If that capital and that skill, which are expended on these preparations, were sunk in the sea, though that would be useless, it would not be injurious: as they are at present exercised, they are worse than useless, they are deeply injurious. The subject could not be thought upon without calling to their recollection those events which paralysed Europe from the years 1793 to 1815, and without reinspiring all those bad passions which should be extinguished. Additional taxation, both upon France and England, must take place—the effect would be a withdrawal of so much capital as was expended from both those countries—a loss which would be attended with the most disastrous consequences. He hoped that when that which had passed had been duly considered in France, it would not be supposed that we were influenced by any feelings of jealousy or animosity towards that country. It was suggested that the Syrian question was settled. They might have determined that the powers of the Pacha should

be confined to Egypt, but did that constitute the settlement of the question? He conceived that it could not; and it must be remembered that France, standing in its present isolated position, must be called upon to co-operate with England in the settlement of a thousand questions which might arise and produce difficulties. The relation to be maintained between the Pacha and the Porte must be considered. They might give him the hereditary pachalic of Egypt, but conditions might be imposed, so stringent and onerous, as to render him entirely dependent upon the Ottoman empire. The peculiar relations of Turkey with respect to the Mediterranean must be considered. Could it be denied that France was the most important power, whose dominions joined that sea? How important then must it be for the very objects of the country, that in any amicable arrangement which might be made, France should join; not with a view to extract from England any concessions that she was wrong; but in order, simply, that she might be made a party to any arrangement which might be made of this most important question. He repeated that no settlement could be efficacious unless they could still prevail upon France to become a party to it. No man could be more convinced than he, that the object which had been had in view was the security of peace, and in her Majesty's speech it was declared that their endeavours had been attended with signal success. What was there, then, to prevent their taking fresh steps, and inviting the interference of France? It appeared to him that there was an opportunity in which, without making any unreasonable concession, it might be called upon to interfere. They had been successful, and they had shown that twenty-five years of peace had not abated the gallant spirit of the navy, and the army of England; and now was the time when they could afford to say to France—"We are conjoined with the great powers of Europe for the sake of procuring peace. We can make no concession, but we are actuated by an earnest desire to admit you among our number, that your interests may be consulted, because we entertain no wish to endanger or to curtail your power. We entreat you now to enter into our plans, and to concur with us in considering what would be most advantageous for the interests of France, for the interests of the Porte, and of the peace of Europe. He found that an opinion upon the subject of the importance of the maintenance of peace had been expressed by the gallant general, now a minister of that country. On the 17th July, 1839, Marshal Soult thus wrote to the Baron de Bourqueney:—"In the important crisis into which the death of Sultan Mahmoud has precipitated the Ottoman empire, arising out of the events which marked the last month of his reign, the union of the great European powers can alone offer a sufficient guarantee for the maintenance of peace. The communications exchanged during the last few weeks have fortunately proved that this agreement is as perfect as possible. All the cabinets desire the integrity and independence of the Ottoman empire under the present reigning dynasty. They were all disposed to employ their means of action and influence to secure the maintenance of this element, so essential to the balance of power, and they would unhesitatingly declare themselves against any combination which would affect that balance. Such an agreement in opinion and resolution will be enough (no one can doubt) to prevent any attempt being made against those high interests, as well as to remove every feeling of anxiety, the very existence of which already produces real danger, in consequence of the irritation it causes in the public mind. The King's government believes that the cabinets would be adopting a measure essential for the consolidation of peace were they to declare, in written documents, to be mutually interchanged, and, in case of need, published more or less fully, that they were actuated by such intentions. On our part, we formally declare, that these are our invariable intentions, and I authorize you to transmit to Lord Palmerston a copy of the present despatch, after communicating it to him orally."

He was confident that there was not one of the four powers which would not express itself to the same effect upon the importance of the maintenance of peace, and it must be admitted, that in the exertions which had been made on behalf of the Ottoman empire, no peculiar advantage, commercial or otherwise, had actuated those by whom these steps had been taken, but that they had proceeded upon the belief, that the support of the Ottoman empire was one of the great elements of the peace of Europe. These were some of the grounds upon which he said it was possible to return to peace. He might be doing little good to those of whom he was speaking,

in saying that which he did say; but he was convinced that they were doing all that they could do in the present crisis, for the maintenance of peace. If any man could afford to give good counsel with respect to the maintenance of peace, it was Marshal Soult. If any man, by the opinions which he had expressed, was deeply concerned for the maintenance of peace, it was M. Guizot. If there were any two men who would shun a conflict with England in an unnecessary war, he should say it was these two men. It would be a sacrifice of truth, if he did not express his opinion. His belief was, that they were honest men, actuated by a sincere desire to accomplish the objects which they professed. He believed it firmly of Marshal Soult, because he admired the manly, honest boldness, with which the old soldier came forward, and when France was agitated from one end to another, declared that he bore a grateful recollection of the reception that he had met with in this country—a declaration, not the result of any personal vanity, but which he made, because he felt that in the pomp and magnificence of his reception, feelings of personal admiration of the man were not exhibited, but that they indicated that the old, ungenerous animosity, which was entertained in this country towards France, was gone; and that we took that opportunity of showing the different feelings which now prevailed in the country. He believed, that it was this which had passed in his mind, and he ran the risk of injuring him, by the compliment which he paid him, when in the British House of Commons, he expressed a hope that he and M. Guizot might be successful in maintaining peace, and that, aided by the returning good sense of France, they might rescue both France and England from the mischievous calamity of renewed hostilities.

An amendment of Mr. Hume's was negatived; the Address agreed to, and referred to a Committee.

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## SUGAR DUTIES.

MAY 18, 1841.

The order of the day for going into Committee of Ways and Means having been read,—

Viscount Sandon proposed the following amendment:—"That, considering the efforts and sacrifices which parliament and the country have made for the abolition of the slave-trade and slavery, with the earnest hope that their exertions and example might lead to the mitigation and final extinction of these evils in other countries, this House is not prepared (especially with the present prospects of the supply of sugar from British possessions) to adopt the measure proposed by her Majesty's government for the reduction of the duty on foreign sugar."

In the eighth night's debate, SIR ROBERT PEEL spoke as follows:—"Sir, this is not the first time that I have felt the extreme embarrassment of being called upon to address you, when every argument and every topic which could be converted into the semblance of an argument have been exhausted. And, I should have been perfectly content to relinquish all claim on the attention of the House, if I did not feel convinced that the whole House, without reference to party distinctions, will acknowledge, that it is not fitting, that I should permit this debate to close without the expression of my sentiments. If it be the general opinion of the House, that I have no alternative but to address them on this occasion, I am sure the same feeling will also induce hon. gentlemen to grant me, whilst I do address them, their indulgent attention. Sir, I shall first apply myself to the proper subject of debate—the question which is involved in the resolution which has been moved by my hon. friend. That resolution implies an opinion on the part of this House, that, considering the sacrifices which we have made for the abolition of the slave-trade and of slavery, it is not expedient to sanction the proposal for introducing into the market of the United Kingdom, sugar, which is the production of slave labour. And, Sir, after all the ability which has been exhibited in opposition to that principle, my opinion remains the same, that it would not be for the interest nor for the honour of this country to open our market to sugar, the produce of slave labour. Sir, I should give my vote on this question apart from all other considerations. If I had

heard nothing about Corn-laws, if I had heard nothing about timber duties, I should have been prepared on the abstract merits of this particular question, earnestly to support the resolution of my noble friend. I will state the grounds on which I give that resolution my support. I do not support it on the assumption, that there is some overpowering moral obligation which compels us to abstain altogether from the consumption of the produce of slavery. I do not recognise that principle—I do not charge the right hon. gentleman opposite with any unheard-of violation of moral duty in bringing forward this proposition. I myself have voted for the reduction of duties on articles of consumption the produce of slave-labour. I have voted for the reduction of the duties on cotton for the purpose of encouraging the manufactures of this country. I supported the right hon. gentleman opposite last year, in the proposal he made for getting rid of the absurd system of sending coffee, the produce of Brazil and of Venezuela, round by the Cape of Good Hope, in order to introduce it here at a lower rate of duty. I gave him my support on that proposition, and it was not in consequence of any opposition from me, that the right hon. gentleman subsequently abandoned it. Prudential considerations may enter into the discussion of questions of this nature. Reference may be had to the preponderance of good or evil. If, by excluding cotton, I should reduce thousands and tens of thousands in this country to a state of starvation, should paralyse the greatest branch of our manufacturing industry, should undermine the foundations of our national strength—I cannot admit, that I am morally bound to entail such enormous evils on my country, because the cotton I require is the produce of slave labour. If such considerations may influence my judgment as to the admission of cotton, I cannot insist, that they shall be altogether excluded in determining the question of sugar. But after giving their fair weight to these considerations—after attempting to adjust this balance of good and evil—I have made up my mind in favour of this continued exclusion of sugar, the produce of slave labour. Sir, my conviction mainly rests on a consideration of the state of the West Indies, and of the progress of the great experiment of slave emancipation in those colonies. I do not ask you to continue this exclusion for the purpose of supporting the interests of individual West-India proprietors. I admit, that your liberality has been so great, that if their individual pecuniary interests were alone concerned, you would have a right to call on them to sacrifice those personal interests to considerations of public advantage. But, Sir, I forget their individual interests, in the much higher considerations that are involved in this question. I look to the moral and social condition of that part of your empire in which you have recently made the greatest, the most hazardous, and, as I admit, with cordial satisfaction, the most successful experiment which has ever been made in civilized society. And can I conceal from myself what may be the consequence, if, at this time, when society in these colonies is staggering under the shock of that experiment, you take a step which may decide for ever, that sugar shall no longer be produced at a profit by free labour in those colonies? Sir, the hon. gentleman, the member for Liskeard, says, that it is a matter of utter indifference whether sugar should continue to be produced in certain of the old colonies of this empire. “Abandon,” says the hon. gentleman, “abandon the cultivation of sugar in Jamaica—confine it to Demerara and Berbice.” Is that, then, Sir, the point of view in which hon. gentleman opposite consider the interests of the great colony of Jamaica, and of other of the old colonies of this empire? Is it a matter of utter indifference what becomes of the capital invested in the cultivation of sugar? Is it just, to tell the capitalists and proprietors of Jamaica, that emancipation made it necessary, that they should incur great additional expense for the moral and intellectual improvement of the negroes who were about to be liberated—that it was necessary for the social welfare of the colony, that they should burthen themselves with the expenses of increased establishments for the purposes of education, police, and justice—that at this critical moment, the welfare of the liberated slaves depends on the increased exertions and expenditure of the colonists—is it just, after having called on them to make these sacrifices, to inform them, that it is a matter of no concern, whether sugar cultivation be continued in Jamaica? Can we see with indifference, Jamaica reduced to the condition of St. Domingo? Can we see the negroes become the proprietors of all the land in that colony, and content themselves with such a degree of cultivation as will not produce them one single article in the shape of export from that



colony? Is this the result which the hon. gentleman contemplates from the adoption of his principles of free trade? Is this to be the result of that great experiment of emancipation which has been proclaimed to be so successful? Is this to be the great and striking example which we are to hold up to the imitation of all other countries? The example, in point of fact, which the hon. gentleman would have the greatest colony of England exhibit is, the expulsion of the white population from the island, and the occupation of the soil by negroes, content with the bare necessities of life—the mere agricultural produce of the country—who are to raise no one exportable commodity—who can, therefore, have no trade with England: and this, this is the happy condition which the hon. member for Liskeard anticipates with joy—this is the state to which the hon. gentleman would reduce that population which has so largely excited the sympathies of the people of this country! The hon. member tells us that there is not a writer—not a man of the slightest authority—who has given an opinion in contradiction to his own. The hon. gentleman says he can refer to a witness of the highest character and of the greatest experience—Mr. Burnley. On the instant, I will refute him from the mouth of his own witness. I have, by mere accident, an extract from the published opinions of Mr. Burnley—and of course the hon. gentleman will attach special weight to those opinions. Mr. Burnley says:—"That unless the power of combined labour be ensured, either by immigration, or some other means, against the termination of slavery in 1840, the capital invested in those expensive works and machinery set up for the cultivation of sugar, must perish; and, in his opinion, unless the system under consideration be established before 1840, the most mischievous consequences must ensue."

["Date, date," from Mr. C. Buller.] I am reading from Mr. Burnley's evidence before the East-India Committee, q. 1,418. [Mr. C. Buller here made some observations which did not reach the gallery.] Why, does the hon. gentleman imagine, that if he prevents the export of produce from Jamaica, if he makes the slaves content with the mere agricultural produce which they can raise from the soil, immigration of labour will flow into Jamaica? Mr. Burnley farther went on to say—"That there was not a man living in Porto Rico, Cuba, and the United States, who did not believe that ruinous prices must arise in 1840 in the British West Indies; and that if the first commencement of the experiment of free labour in those colonies should prove disastrous, it would create such an unfavourable impression through the world, as no subsequent efforts would be able to remove."

Now, Sir, having read to the hon. gentleman the evidence of his own witness, I have another authority for him, to which I think he will be disposed to pay equal attention. ["Now it is coming!" from Mr. Brotherton.] What is coming? Oh! you have heard, then, of the Manchester pamphlet, have you? Sir, I had an interview with three intelligent gentlemen who formed a deputation from the Chamber of Commerce of Manchester. They called on me to advocate the principles of free trade. I told them, that while I must reserve for my place in parliament the declaration of my own opinions on any of the subjects which they brought under my consideration, I was perfectly ready to hear with the greatest attention men for whose extensive experience and personal character I had high respect. Towards the conclusion of the interview, a particular wish was expressed that I would read a certain pamphlet on the extension of slavery, and to which I was assured that I should attach great importance. I made a promise that whatever might be my avocations I would read that pamphlet, and I confess that I entered on its perusal with no little anxiety, after the assurance I had received from such high authority that it was difficult to resist its conclusions. From Mr. Ashworth, a gentleman of great ability, and one of the deputation from the Chamber of Commerce of Manchester, I received the pamphlet in question, with a note, which I will read:—

"Esteemed Friend—Herewith I send thee a pamphlet of William Greg" (the brother, I believe, of the hon. member for Manchester; a gentleman of great ability, and, as I am told, of great authority on the West India question,) "which I commend to thy attentive perusal. I do not hear that either Sir F. Buxton or any of his adherents ever attempted an answer, merely remarking that such reasoning is cold philanthropy."

Now, Sir, towards the close of this pamphlet I find a discussion on this very question, namely, the policy of importing into England sugar from Cuba and Brazil,

I find an impartial view taken of the merits of the question—I find it stated—“That the planters have no right to demand, and, moreover, to expect, that the British nation can permanently or long continue the payment of the enormous prices which have of late been charged for two of the most indispensable articles of general consumption, and that the welfare of our own population, as well as that of the negro population, requires some alteration in this respect; that, with relation to the interests of our manufacturers, we ought to consider that the Brazils were large consumers of our fabrics, but would not long remain so if this country continued to refuse the reception of their principal articles of produce in exchange; and that we ought not to endanger the interests of one class of the community to promote those of another.”

Now, then, hear what is said by this gentleman so connected with the manufacturing interests, the chosen champion of the Manchester Chamber of Commerce—one who entertains a due regard for the value of the Brazil market, and also for the interests of the British consumer. This is evidently a gentleman who is prepared to take an enlarged and a liberal view of this question, even according to the notion of the member for Liskeard. And what is the conclusion to which this gentleman comes?—He says:—“Few things can be more certain, than that the ceasing of the sugar cultivation in our colonies, and the consequent destruction of the capital now invested therein, would lead to the complete abandonment of them by the white population, who would carry to more hopeful lands their knowledge, their energy, and all their capital. Not only would emancipation singularly fail, so far as the moral condition of the negro is concerned, but the effects which it was expected to operate on slavery in other countries, and the anticipated good consequences that were expected to flow from our example, would be wholly lost.”

And now I beg the special attention of the hon. gentleman opposite. The pamphlet goes on to say, that,—“If ever the negro population of the West Indies shall become squatters and cultivators of waste ground, instead of labourers for hire, slavery and the slave-trade will then have received the last and greatest encouragement which it is possible for them to receive.”

Mr. Greg foresaw the argument that would be raised, that we consume slave-grown tobacco and coffee, and could not therefore consistently refuse to receive sugar. His answer is, that the objection is rather a smart than a sound one, and that the inapplicability of the position will be obvious, on a few moments' consideration.—“In one word (says Mr. Greg), this country is not called on to exclude foreign slave-grown cotton, because it never has been excluded. It is called on to exclude slave-grown sugar, because it has never been admitted.”

The conclusion of the pamphlet is as follows:—“That the only method of destroying the slave-trade, and putting an end to slavery, is by destroying the demand for slave-grown produce, and thus doing away with the demand for slaves; that this can only be accomplished by establishing to the world, and through the medium of the West Indies, the superior cheapness and productiveness of free-labour; that the prosperity of the West Indies can only be continued and ensured by an extensive and systematic system of immigration, and by the temporary continuation of the present protective discriminating duties on sugar.”

Sir, in case hon. gentlemen opposite should not perfectly understand the last passage, I will repeat it for their benefit. “The prosperity of the West Indies cannot be ensured without the temporary continuation of the present protective discriminating duties on sugar.” This, Sir, is not the first time, that I have been indebted for an argument to the Manchester Chamber of Commerce.

“Sol occubuit, nox nulla secuta est.”

I have kept my promise, I have read the pamphlet, and it has confirmed me in my opinion, that we ought not to admit to the British market, foreign sugar, the produce of slave-labour. Sir, I am not unaware, that owing to the effects of the emancipation of the West Indian slaves, there has been a great diminution in the productiveness of these colonies; and if we had no other source to which we could look for a supply of sugar, the pressure would be so severe that we could not continue to the West Indies their present monopoly. Whatever might be the advantages of encouraging the cultivation of sugar in the West India colonies, still if we could only look to a supply of sugar to the amount of 115,000 tons yearly, we could

not continue the prohibition on foreign sugar. But, Sir, I look to the east. I look to India to afford a security and check against extravagant prices; and I am of opinion, that if you permit the experiment which we have entered on to be carried out, the West Indies, the Mauritius, and India, will together, amply supply us with sugar at a fair and moderate rate. Sir, the right hon. gentlemen, the Chancellor of the Exchequer, referred with apparent satisfaction to the increase that had taken place in the price of sugar on the day on which he spoke. But, Sir, I believe the right hon. gentleman will find, that for some weeks past there has been a progressive reduction in the price; and, notwithstanding the prevalent expectation that this House would refuse to confirm the proposition of the right hon. gentleman, this expectation has not produced any increase in the price of sugar. The member for Liskeard says, we are about to inflict an enormous injury on the East-Indies, by opening the British market to East India sugar, refusing, at the same time competition with foreign sugar; that we are fostering a new monopoly, and presenting to it a single market which will soon be overstocked. But surely the markets of the world will continue open to East India sugar. Why should not East India sugar, if the supply for our use be superabundant, compete in the markets of Europe with foreign sugar? But, says the hon. gentlemen, "Do not divert from their present employment, the labour and capital of India." Divert the labour and capital of India! Have you considered the position in which India stands with respect to this country? Remittances are required from India, on behalf of government, to the amount of £3,200,000 yearly; private remittances amount to about half a million more; and there is no other mode of paying these remittances, except by the agricultural produce of India. If, then, I encourage the produce of that country, and thus enable it to make up the amount of the remittances—if I do this, shall I be told, that I am inflicting an injury either on this country or on India? Shall I be told, that when I am dealing with a country from which we exact a sum of £3,200,000, for government purposes only, and which has no other mode of making up that sum, except from the produce of her agricultural industry, I must apply strictly and rigorously the principles of free-trade? Sir, I have often listened in this House, with painful emotions, to debates respecting the condition of India, and to the evidence of the injury which that country has done her, by destroying her manufactures through the substitution of our own. Can I forget the accounts of Dacca, once a great and flourishing city, the seat of prosperous manufactures, containing a population of 150,000 inhabitants, now reduced to 20,000 or 30,000, with the malaria and famine extending their ravages, and threatening to turn it into a desert? I recollect, in a debate respecting the emigration of the Hill Coolies, being struck by the speech of the hon. member for Roxburgh, a gentleman well qualified from knowledge and experience, to deal with the subject. He spoke of the danger and mischief that would ensue, if you refused an outlet for the agricultural labour of India. He gave an account of the wages of agricultural labourers in Bengal, and of the condition of the inhabitants. The wages of the labourer are about 6s. a month—that is, 1s. 6d. a-week, or about 2½d. per day. They subsist he says, upon rice; and if rice fails, they starve. He described the manner in which he had seen the unfortunate people, hurrying by thousands to receive the relief given by the government of Bengal. "I have seen," said he, "whole villages swept away by dreadful inundations, and vast tracts of land utterly ruined for cultivation." The hon. gentleman then drew a picture of horror, more dreadful than the most romantic imagination could have conceived. I know nothing more appalling than the simple truth related by the hon. gentleman. "I know this," said he, "that an officer charged with a mission from Calcutta, was obliged to turn back, in consequence of the horrible smell arising from the unburied carcases of those unfortunate beings who had died from famine, and whose bodies literally strewed the roads." And are we, with such accounts as these, to be fearful of disturbing the application of agricultural labour in India? Have the people of that country, ruined by our manufactures, and subject to heavy fiscal demands, to be met only by the produce of agricultural labour—have they no paramount claim upon us? The rigid principles of free-trade may make no distinction between their produce and that of the slaveholder of Cuba; but surely there are obligations—moral and social obligations—duties you owe to millions submitted to your sway—which compel you to have

some regard for other considerations than cheap sugar. These are the main grounds on which I support the resolution of my noble friend (Lord Sandon); first, I am desirous of giving fair scope for the experiment we have made by the abolition of negro slavery, and of encouraging the production of sugar by free labour in the West Indies. Secondly, admitting the deficiency of our present supply from the West Indies, I will give a decided preference to the East Indies, in procuring an additional supply. Thirdly, I will not, without more cogent evidence of the necessity, incur the risk of encouraging slavery and the slave-trade, by opening, for the first time, the market of England to the sugar of Cuba and Brazil. Sir, I never at any time sought to inflame the minds of the people on the question of slavery. I gave my support to the measure of my noble friend (Lord Stanley) for the abolition of slavery; and I gave every credit to those who took part in the introduction of that measure. Sir, I never lent myself to the cry of Anti-slavery, and I will not now lend myself to the cry of cheap sugar. The right hon. gentleman opposite, reproached my right hon. friend, the member for Cambridge, and myself, with inconsistency, in having formerly been parties to a proposition of Mr Charles Grant, for the introduction of foreign slave-grown sugar. The right hon. gentleman said, the proposition had been supported by the cabinet, of which my noble friend and myself were members; that the great principle of Mr. Grant's measure was the admission of slave-sugar into competition with that of the East Indies, and that the protection proposed for the latter was only 3s. per cwt. The right hon. gentleman said to us, "Are you now prepared to ride into office upon such grossly inconsistent grounds as the rejection of a proposition similar to that which you yourselves supported?" Sir, neither I, nor any member of that cabinet, have any recollection of such a discussion as that which the right hon. gentleman has mentioned. If my noble friend, Lord Glenelg, had any recollection of it, I should have given up my own impressions; but I believe his impression is the same as mine—that no such proposition was ever submitted to that cabinet. It may have been suggested by him, to individual members of that cabinet, but the cabinet never went into the formal consideration of any such proposition. The Chancellor of the Exchequer says, we did not then dissent from the principle of Mr. Grant's measure. Very true—but the principle in question was not the competition of slave-sugar with East India sugar—the principle was, the increase of consumption of sugar by lowering the duty. We said, we agreed to that principle, but feared risking the loss of revenue. But it must be recollected, that since the period in question, slavery in our own colonies has been abolished, and that completely alters the view in which this subject is to be regarded. There was, besides, at that time, a bounty on the export of our own sugar, and the protection proposed by Mr. Grant, at least as far as the West Indies were concerned, was complete. Foreign sugar could not have entered into competition with colonial sugar at the rates of duty he proposed. I am surprised, I confess, at the altered tone which gentlemen have lately assumed respecting slavery. After all our magnificent professions, is this the course which is proposed, and are these the arguments by which that course is recommended? We are now to tell foreign countries that the only effectual way to abolish slavery and the slave-trade, is to admit slave-grown sugar to free competition with our own. True, we may give a temporary stimulus to the produce of slavery, but then we shall improve the manufacture of free-labour sugar, by rivalry with that of sugar the produce of slave-labour. But will not the improvement be reciprocal? If the result of competition will be to economize the application of capital on our part—to introduce improved machinery—to stimulate skill and invention, as applied to free-labour sugar—will not the influence of that same competition produce similar results in Cuba and Brazil? But who will believe your professions? Who will believe that your motive in opening, for the first time, the market of England to slave-sugar is the benevolent wish to extinguish slavery? No, tell the truth. If you want cheap sugar, say so. If the high price of sugar diminishes the comfort of your own population—if you want to open the markets of Brazil and Cuba to your manufactures by taking their sugar in exchange—avow your object, and foreign countries will understand you. But they will only laugh at your pretence that you are labouring to extinguish slavery by increasing the consumption of slave-grown produce. I have heard, with surprise, from cabinet ministers, in the course of this debate, the doctrine,

that the delinquencies of foreign countries are no business of ours; that we never contemplated removing slavery in other countries by our example; that it is enough for us to have removed the taint from ourselves; that the conduct of other countries with respect to slavery, is a matter of indifference to us. The member for Wolverhampton says, the United States would have as good a right to refuse commercial intercourse with us, on account of the Corn-laws, as we have to do so with other countries on account of slavery; in short, that the question is a matter of indifference to us. Why, surely, the hon. gentleman said, the municipal laws and usages of other countries were no business of ours, and applied his remark to the continuance of slavery and the slave-trade by countries with which we had commercial intercourse. The intense feeling that once animated the people of England with regard to the abominations of slavery may have abated, but I am mistaken if there will not be great regret, great indignation, at our altered views and altered tone with respect to slavery, and to the moral obligations which we are under to discourage, by every effort we can make, the slave-trade and slavery, in other countries of the world. We are now, it seems, to abandon the high position we have hitherto taken, and to deny our own right to speak to other nations in the language of commanding authority on the subject of slavery. The noble lord alluded to the difference between England and Rome, and quoted the beautiful lines of Dryden for the purpose of heightening the contrast:—

"Rome, it is thine alone with awful sway  
To rule the world, and make mankind obey,  
Disposing peace and war, thy own majestic way."

True it is, that we have no such power as that which the poet ascribes to Rome. We have formidable competitors in the struggle for empire; we cannot compel obedience to our commands by the exercise of material power; but I had hoped, until I heard this debate, that there was a sway, an "awful sway," which we could still exercise—that there was in our hands not a material but a moral power, enabling us to "rule the world," and, through the influence of high principles and of glorious sacrifices, to "make mankind obey." Peace and war we cannot dispose according to our arbitrary will, but I thought we still hoped to dispose other nations to follow the "majestic way" which has conducted us to humanity and justice. If we still cherish these hopes, if we have not abandoned these high pretensions, then the noble lord may still claim for England some of the high privileges asserted for Rome, and continuing his quotation, may confidently say—

"To tame the proud—the fetter'd slave to free,—  
These are imperial arts, and worthy thee."

Sir, these are the grounds on which I give my vote for the resolution of my noble friend. And in voting for that resolution, I am taunted by the noble lord with factions purposes. The noble lord commenced his speech, Sir, by repelling with indignation the accusations against her Majesty's ministers, and said with much earnestness that he was conscious no man who had watched the progress of the government of which he was a member, could ever suppose them capable of bringing forward any public measure with a view to court popularity. Now, Sir, I say nothing on the subject of the noble lord's defence of himself—but I had hoped that the experience of the noble lord would have sufficed to free us from the charge of having offered a factions opposition to her Majesty's government. Before he levelled any such accusation against us, he might have recalled to his recollection several occasions when, if we had offered a factious opposition to him, his position as a minister of the Crown in this House would have been far less easy than it has been. He might have borne in mind the question of privilege—the question of the union of the Canadas—the question of the Poor-law—and, Sir, the noble lord might have had, on a review of these measures, the justice to give us some credit for not having been desirous against our convictions to embarrass his government on great public questions. But the course I pursue is a factious course!—I, who take the same course now that I took last year—I, who, when the member for Wigan proposed to introduce into this market foreign sugar, the produce of slave-labour, in competition with colonial sugar, the produce of free labour—voted against the hon. member's proposition on precisely the same grounds on which I vote against that of the government this

year—I, forsooth, am to be charged with faction, not because I alter, but because I adhere to my opinions! Why, the only *primâ facie* evidence of faction in this case is, that her Majesty's government pursued the same course. I have had some experience of parliamentary assurance, but it is an unexampled specimen of it, when gentlemen who abandon their opinions this year, charge those who adhere to those same opinions, both parties having held them together in concert last year, with faction. There is another objection to our resolution. "Oh," say hon. gentlemen opposite, "you embody no great irrevocable principle in your resolution." They point, no doubt, to the illustrious example of the noble lord's resolution of 1835, on the appropriation of Church revenue in Ireland. "Why content yourselves," they say, "with temporary grounds of objection to our present measures? why not declare that no settlement ever can be satisfactory, which does not exclude now and for ever foreign sugar?" No, no, we have had memorable examples of irrevocable resolutions—we have them fresh in our memory—we find them recorded in the journals—the standing opprobrium of your government. "But see what an enormity you commit," say hon. gentlemen opposite. "You absolutely leave a loophole to escape by. Who can predict but that next year you will be compelled to adopt this very proposition which you now reject?" Why, even if we should do so, should we be worse off than the gentlemen opposite? They opposed, last year, the very motion they make this, and thus left for themselves the loophole by which they are now escaping. But do not mistake me. Do not believe that I vote for the resolution of my noble friend with the intention of deviating from my present course in a future year. I will be frank and explicit with you. My deliberate opinion is, that the great experiment, which has cost this country so much—the great experiment for the extinction of slavery—should be fairly and perfectly tried; and that to this effect we ought to encourage sugar, the production of free labour, by giving it the preference in the market of the United Kingdom. If our West India colonies, and our possessions in the East, can supply the consumption of this country, can ensure us a supply of sugar at reasonable prices, at such prices as shall permit the accustomed use of sugar—I would continue to them, on the special and peculiar grounds which I have referred to, the preference in the home market. The price of sugar is falling; it was 56s. 10d. in July 1840—it is now only 37s. 7d.; and you have recently given, by equalizing the duties on East India and West India rum, increased encouragement for the production of sugar in India. I confidently hope, therefore, that we may look for an adequate supply of sugar, the produce of free labour. I should be perfectly content to have terminated my observations with what I have stated, but that I am reminded by the speeches of hon. and right hon. gentlemen opposite, that this question is a great financial and commercial question, as well as a question of sugar—that it is connected with others of equally grave and serious import to the State—that her Majesty's Government court investigation into their whole plan of finance, and that it is expected that hon. members should not confine themselves to one particular topic in discussing it, but embrace all its bearings. With this I do not agree. I contend, that the policy of admitting foreign sugar must be determined by other considerations than those of ordinary commercial policy—that it stands on special and peculiar grounds—and that I might fully admit the principles of free trade—and yet exempt from the application of them this particular question. Sir, I do not deny that in this country there exists great manufacturing distress;—and I am sure that, whatever may be the issue of our party contests in this House, we all hear with pain, those details of individual suffering that have been read in the course of the debate. But, Sir, I protest against these details as legitimate arguments to influence our judgment on the question before us. No man can hear them with more pain and sympathy than I do—no man can more cordially or more anxiously desire to relieve them; but, at the same time that I admit this, I am bound also to remind you that, at all times and under all circumstances, similar distress has existed; and so long as we live in our present complicated state of society, I see no reason to suppose that such will not exist, and that appeals, founded on it, will not be preferred, and attempts made to influence by these means our reason and judgment. But, Sir, although I freely admit the existence of such distress, I do not, I confess, view with the same alarm as hon. members opposite have professed to view it, the commercial and manufacturing condition of the country. I have referred with some anxiety to the accounts that

have been laid before the House, as to the commerce and manufactures of this country; and I see nothing in them to justify the belief that the depression in these branches of our national industry is more than temporary, and that we may not expect a speedy revival, from the elasticity of our resources. I shall take first the most unfavourable document that I can find. The House is aware, that there are comparative estimates of the exports and imports of the United Kingdom for three years, beginning with 1838, and ending with 1840. The official value of our exports was, in 1838, £92,000,000; 1839, £97,000,000; 1840, £102,000,000. But official value, it may be stated, is only a criterion of quantity, and the declared value is a better test of the profitable nature of our trade. The declared value then of exports was, in 1838, £49,630,000; 1839, £52,700,000; 1840, £51,000,000, showing a decrease of £1,700,000 on a comparison of the last year with the preceding. In the cotton manufactures, however, there is no decrease, nor in the linen manufacture. The decrease has been on the earthenware manufactures, hardware, the woollen manufactures, and the silk manufactures. These have been the chief articles on which there has been a defalcation. The total defalcation is £1,700,000, comparing the declared value of 1839 with that of 1840; and the defalcation in earthenware, hardware, and in our silk and woollen manufactures, will account for £1,600,000 of the whole. Now, I find that for these four articles, the United States are our chief customers. The United States take two-fifths of our earthenware, two-fifths of our hardware, one-half of our silk manufactures, and one-third of our woollen manufactures; and, when I consider the unsettled state of the United States, in respect to credit and currency, I see ample cause why there should be a temporary decrease of demand for articles of British manufacture, and grounds for the confident hope, that, when the difficulties of the United States have passed away, the demand will again revive. We must not be too desponding on this subject, when we consider the great variation in demand, which has frequently taken place in the American market. It is quite singular to observe the vicissitudes of our commercial intercourse with the United States. I have been furnished with a return of the value in dollars, of exports from Great Britain into the United States for some years past. In 1834, it was 47,000,000; in 1835, 61,000,000; in 1836, 78,000,000; and then it suddenly declined to 44,000,000. The year after, it was again so low as 44,000,000; in 1839 it was 65,000,000; and, as might be expected after so sudden an increase, the next year was one of depression and deficiency. Thus, the experience of our trade with the United States warrants us in entertaining the hope that the demand in the United States will revive, and that the depression in those particular manufactures which have fallen off within the last year will ere long cease. Let us now take the state of our navigation, during the last three years. I cannot reconcile that state with any serious and general diminution of our manufacturing and commercial prosperity. In 1838, the tonnage of vessels built and registered in the ports of the United Kingdom—these are newly built vessels,—was 157,000; in 1839, it was 290,000; in 1838, it was 333,000. In 1838, the total shipping—I take the tonnage and not the vessels, because the number of vessels might be increased and yet the tonnage remain the same, or decline in quantity; the tonnage of shipping entered inwards in 1838, was 4,000,000; in 1839, 4,433,000; in 1840, 4,657,000. The tonnage of shipping cleared outwards was, in 1838, 4,099,000; in 1839, 4,494,000; in 1840, 4,783,000. The tonnage of vessels built and registered in the ports of England was, in 1838, 127,000; in 1839, 144,000; in 1840, 165,000. Now, fully admitting that there is severe pressure of manufacturing distress in some parts of the country, I can hardly reconcile the existence of the very serious extent of commercial distress, which some persons suppose to exist, with that increase of the trade and navigation of the country which is indicated by the increase of the tonnage. Looking, then, at the state of the United States; looking at the state of our relations with China, and the interruption of our intercourse with that country; looking, too, at the condition of Syria; looking at the position of France, and other countries of Europe, influenced by the fear of war, affecting in a certain degree the course of peaceful commerce; if, under such a combination of circumstances, there should have been a diminution in the declared value of British exports during the last year, I am not led to infer from that diminution that all hopes of the manufacturing prosperity and superiority of this country are extinct. At the same time, Sir,

I am quite prepared to admit, that, even if the state of affairs was most prosperous, that is no reason why relaxations should not be made in restrictions upon commerce. Do not let us remain stationary. If we can improve the commercial position of this country, do not let us be content with maintaining our present ground, but apply ourselves to a fair consideration of the means by which that increased prosperity may be obtained. The hon. member for Wolverhampton insists upon it, that I must make a declaration of my sentiments with respect to the principles of free trade. The hon. gentleman says, that his principles, and the principles of his friends who concur with him are, that, without reference to any other consideration whatever, your true policy is to buy in the cheapest market. Now, if these are the principles of the hon. gentleman, and to be uniformly and invariably applied without reference to the circumstances under which, and the time at which, they are to be applied, I can only say, that in those principles, or rather in the application of those principles, I do not concur. I do not contest them with reference to countries in which, if it were possible to conceive such a case, there are no preformed relations of society; but as my noble friend justly said, in that admirable speech which he has delivered in the course of this debate—in a country of such complicated relations, of such extensive empire, in a country where there exist moral and social obligations wholly independent of mere commercial considerations, I say, invariably and uniformly to apply the principle of buying in the cheapest market would be, in my opinion, to involve this country in extreme embarrassment. I apprehend, that her Majesty's government will be obliged to dissent from the principles of free trade, as laid down by the hon. gentleman. If the principle of the hon. gentleman is really to buy in the cheapest market, without reference to any other consideration, what does he say to the proposal of her Majesty's government, to impose a duty of 8s. per quarter on the importation of corn? Why does he not demand from them the free and unrestricted importation of wheat, sugar, timber, and every thing else? But, in fact, her Majesty's government claim exactly the same privilege that I claim, viz., that I will not commit myself to your mere abstract principles, without knowing the circumstances under which, and the time at which, you propose to apply them. If by the principles of free trade you simply mean the progressive and well-considered relaxation of restrictions upon commerce, I may venture to refer to the past. I can say with truth, notwithstanding the observations of the noble lord, that there was no man in this House from whom Mr. Huskisson derived a more cordial and invariable support than he derived from me. I know not whether the principles on which he acted are unpopular now or no, but I do not hesitate to declare that I did at that time cordially support the proposal made by Mr. Huskisson, and that the result of those measures has confirmed me in the wisdom of that course. The noble lord, however, seemed to consider that Mr. Huskisson met with a cold and hesitating support from his colleagues and from the party who generally acted in concurrence with them; but this I know, and I may appeal to the noble lord (Lord Palmerston) to confirm my statement, that Mr. Huskisson assigned, as one of his chief reasons for joining the Duke of Wellington, in 1828, that he would have in me a colleague, from whom he had previously received constant and cordial support in his commercial measures. Now, a word as to the unvarying assistance which Mr. Huskisson received from the noble lord's party. The fact is, that the most formidable opposition which Mr. Huskisson had to encounter came from the hon. member for Coventry; and on that very question which has been so particularly referred to, the silk manufacture—on that particular question, the member for Coventry (Mr. Ellice), boasting, of course, of the most enlarged views of commercial policy, yet, being pressed by his Coventry constituents—collected together every argument which he could possibly collect, with the assistance of the silk manufacturers of Coventry, to show why silk manufactures should be exempted from the principles of free trade; and the only opposition, in point of an actual motion, which my right hon. friend encountered, was the motion made by the hon. gentleman, the *grande decus columenque rerum* of her Majesty's government. And the hon. gentleman was seconded and cordially supported by a learned gentleman (Mr. Williams), a faithful adherent of the same party, who was then member for Lincoln, and has since been elevated to the office of judge. The hon. gentleman (a sound Whig, I presume,) not only contested



the principles of free trade, but he accused Mr. Huskisson and us who acted with him, of being "cold-blooded metaphysicians, who," according to the language of Mr. Burke, "were actuated by all the malignity of the devil—and by the same sovereign contempt for the happiness and welfare of mankind." And now, forsooth, we are to be told that Mr. Huskisson met with nothing but obstruction from his own party, and that he was wafted over all his difficulties on the flowing wave of Whig enthusiasm. The noble lord seems to claim an exclusive inheritance of the principles of Mr. Huskisson. Nay, he makes the awful announcement, that if he and his colleagues are driven out of office, they will pack up the principles of free trade and carry them off with them. "Don't rob us of our property," says the noble lord; but at last the generosity of his nature prevails, and he promises that, if he is properly applied to by his successors, he will not withhold a contribution from the stock of liberal policy. Why, what right has the noble lord to claim this exclusive dominion over the principles of Mr. Huskisson? When did we hear a word of them until the pressure of the present moment? Was there ever any public man who pronounced so positive a condemnation of the principles of free trade as the present Prime Minister of this country? And did one of you dissent from that declaration? When Lord Melbourne said, that it would be absolute insanity to deprive the agriculture of this country of protection—and when he held language from which it must be reasonably inferred that he thought it impossible, in the complicated relations of society in this country, to apply the pure principles of free trade to the trade in corn or almost any thing else—when he gave that plain indication of his sentiments, as the head of the government, did one man of you rise in this House to express his opposition to those sentiments? Was the budget of last year brought forward on the principles which are now advocated? Was the five per cent. additional, on customs and excise, a specimen of your comprehensive financial views? When the President of the Board of Trade, in the simplicity of his heart, said there could be no great harm in putting five per cent. additional on tobacco, since the present amount of duty was 1.200 per cent. on the prime cost of the article—had he then become a convert to the principles of Mr. Huskisson? Let us do justice to Mr. Huskisson, and not confound his measures and proceedings with yours. Mr. Huskisson applied his principles soberly and cautiously, and with the power, and means, and intention, of effectually carrying them out. He prepared the public mind for the adoption of these principles; he anticipated opposition to them, and prevented the success of that opposition, by the cautious and deliberate manner in which he approached them. You ask me, What I propose to do with reference to the Corn-laws? Sir, I will not shrink from the expression of my opinion. If I saw a reason for changing my course, I would do so, and frankly avow it. But I have not changed my opinion. Notwithstanding the combination which has been formed against the Corn-laws, notwithstanding the declaration that either the total repeal, or the substitution of a fixed duty for the present scale, is the inevitable result of the agitation now going forward—notwithstanding this declaration, I do not hesitate to avow my adherence to the opinion which I expressed last year, and again to declare that my preference is decidedly in favour of a graduated, to a fixed duty. I said, last year, and I repeat now—for I may refer to the speech I then made as the expression of my opinions now, that I viewed with anxiety the state of the manufactures of this country. I stated then, as I state now, that I consider the prosperous state of the manufacturing industry of this country to be intimately connected with the welfare of our agriculture, and that the prosperity of our manufactures is a greater support to our agriculture than any system of Corn-laws. That was the language I held then, and that is the language I now repeat. I said, that I preferred the principle of a sliding duty to a fixed one. I said, that I would not bind myself to the details of the existing law, but would reserve to myself the unfettered discretion of considering and amending those details. You declare, however, that no man can maintain the present system of Corn-laws, and be friendly to a liberal commercial policy. I deny that conclusion, and I refer you to Mr. Huskisson. He certainly never considered protection to agriculture incompatible with the removal of restrictions on commerce. An hon. gentleman has quoted some opinions, said to be delivered by Mr. Huskisson after he left office, but I know that, during the period I was united in office with him, there was no more strenuous supporter of a graduated scale, and no more determined opposer of a fixed duty. And

to put that question beyond all doubt, and to set at rest any suspicion of my stating opinions as his, which he had not entertained, I will quote them to the House. Mr. Huskisson stated in 1827, that it had been urged against him that he held the opinion that England ought not to depend largely on other countries for the supply of corn, and that he had declared in 1815, and still maintained, that nothing could be more dangerous, than a reliance of this country on foreign countries for her food. He avowed that such were his opinions, and with regard to the graduated scale, he observed, that he was not only the advocate of it, but he claimed credit for being its actual author. In 1827, Mr. Huskisson said:—"I proposed in 1814, a graduated scale, and it is not likely I should now recommend a principle utterly inconsistent with it."

In 1828, Mr. Huskisson spoke thus:—"An hon. gentleman had spoken in favour of a fixed duty; abstractedly, that might look well enough; but, when they regarded the circumstances of the country and the wants of the people, they would see the impossibility of adopting such a principle. If a high permanent duty were imposed, then, in periods of scarcity, the poor would be exposed to sufferings, the infliction of which no claims for protection on the part of the home corn-grower would ever justify." "A permanent fixed duty was out of the question."

This was the opinion of Mr. Huskisson in 1828, two years before the termination of his useful career. The noble lord will, however, propose the adoption of a fixed duty. I shall offer my opposition to it on the ground that I do not think a fixed duty can be permanently maintained. The member for Marylebone agrees with me, for he supports the proposition, not on its own merits, but because it will be a stepping-stone to absolute freedom in the trade of corn. The noble lord's fixed duty will be assailed by the same arguments by which the graduated scale is now attacked. The members for Finsbury or Wolverhampton, will again detail cases of severe privation in the manufacturing towns—the cry of "no bread-tax," will be raised—the noble lord will infallibly be met by that illegitimate warfare of which he has set the example—and what is his confidence that he will be enabled to maintain his fixed duty? You ask again—what do you propose to do with respect to the timber-duties? I answer, I reserve to myself an unfettered action on this point. Before I consider the timber-duties, I shall require that the noble lord will give me the benefit of that information which he has derived from the Governor-general of Canada. How is it possible for me—how could any rational man venture to form an opinion upon such a subject as the timber-duties, without having been put in possession, not only of the financial and commercial, but of the political circumstances, connected with them? Did the noble lord apply without hesitation, the principles of free trade to the timber-duties? No; the noble lord availed himself of the advantages which his office gave him. He knew that there was a great political crisis in our North American colonies. He looked to the state of Canada. He considered the great experiment which had been made there by the union of the provinces. He reflected upon the state of our relations with the United States of America, consequent on the apprehension of Mr. McLeod, and the long-pending and unsettled question of the north-eastern boundary. He took all these important circumstances into consideration, and wisely said,—"Before I disturb the trading interests of Canada by great alterations in the existing timber-duties, I will ascertain the state of feeling in that country on political questions, and confer with the Governor-general as to the political effects of a commercial measure."

And what answer does he receive from the Governor-general? An avowal that the alteration of the timber-duties, under present circumstances, would greatly add to his difficulties in conducting the government of Canada. And is there any justice in your demanding from me positive declarations of my opinion on the subject of these duties, and denying me at the same time the opportunity of weighing the political considerations that are involved in them? The only information you give me is, that the measure of the noble lord will increase the difficulties of governing Canada, and yet I am to declare peremptorily in its favour. But it seems that the Governor-general of Canada has informed the noble lord, that if some other measures were proposed, concurrently with an alteration in the timber-duties, the dissatisfaction in Canada might be materially abated. The noble lord has not given us the faintest conception of the nature of that other measure. How preposterous it would

be to enter into the question of the timber-duties, with nothing but partial information, and mysterious notices as to the possible effect which the agitation of that question might produce in a colony which is in the crisis of a hazardous experiment in government, and which is on the frontier of a powerful state with which our relations are far from satisfactory. Still, however, there remains the argument, that we are in a state of extreme financial difficulty, and some extraordinary effort must be made to relieve us. There is great financial difficulty; and, for that financial difficulty you—her Majesty's government—are mainly responsible. You have had the possession of power since the year 1835. You have had the complete uncontrolled administration of the finances of this country during that period. Whenever you happen to be successful, you boast of success as a proof of your wisdom, but you never admit failure to be even *prima facie* evidence of your incapacity. But the whole course of your financial administration has been a series of failures. Year after year there has been deficiency, year after year increasing expenditure, and diminished means of meeting it. And now, when the aggregate of your yearly deficiencies amounts to near £8,000,000—when the burden becomes intolerable—when exposure and disgrace are inevitable—instead of penitent confessions of your own incapacity and mal-administration, you represent yourselves as martyrs in the cause of free trade—and call upon me to furnish you with a budget. And I am by no means surprised at your confidence. You recollect that when I left office in 1830, I had been connected with an administration which, during the period in which it had the management of the finances of this country, reduced the public debt by £20,000,000 of capital, and the annual charge upon that debt by more than £1,000,000. You remember, too, that we left a surplus of £1,600,000 of revenue over expenditure—and mark! we did all this with the incumbrance of an unreformed parliament. You have had your own way for five years, with the advantage of a reformed parliament; you have had the full enjoyment of the promised blessings of “cheap government.” You got rid of these your illiberal colleagues in 1834—[*pointing to Lord Stanley and Sir James Graham*]—and with all these advantages in your favour, a reformed parliament, cheap government, no patronage, no obstruction from illiberal colleagues, the shameful result is a deficit for the present year of £2,400,000, a total deficit of £7,500,000. And you consider me responsible for this, and demand from me a budget. You recollect, no doubt, the aid which I gave you with respect to the Jamaica question, on a former occasion—when I rescued you from the perils of your own evil ways, when I enabled you to retain popular representative government—when I prevented you from disturbing the foundation of the security of every other colony which boasted of a representative system—when you were compelled to take my advice, and were glad and rejoiced in your counsellor—you remember all this, and with good reason invoke my aid again—and be assured that, if the circumstances were the same, I would again give it you, and again compel you to take my advice. But I cannot help you now. No, great as is my commiseration, I cannot assist you. I view with unaffected sympathy the position of the right hon. gentleman, the Chancellor of the Exchequer. It has been remarked, that a good man struggling with adversity, is a sight worthy of the gods. And certainly, the right hon. gentleman, both with respect to the goodness of the man, and the extent of his adversity, presents at the present moment that spectacle. Can there be a more lamentable picture than that of a Chancellor of the Exchequer seated on an empty chest—by the pool of bottomless deficiency—fishing for a budget? I won't bite; the right hon. gentleman shall return home with his pannier as empty as his chest. What absurdity there is in demanding a budget from me—in requiring that I, who am out of office, who have been out of office for ten years, shall agitate the public mind, by declaring what taxes I would impose, or what taxes I would remit, if I were in, power! There may be some young member silly enough to suppose, that I will permit declarations on such a subject to be extorted from me—that I will give you the advantage of hinting at a property tax, or threatening to increase the penny post. I will make no declaration whatever as to the course which I will pursue, if in office, with regard to financial measures. Nay, more, my first act in office must necessarily be to demand a vote of confidence from the House of Commons, in order that I may be enabled to review the financial situation of the country—to consider its expenditure, and the various causes from which the present difficulties have arisen. I would not receive office on the condition of making hasty, ill-considered attempts, to

repair the existing evils. I admit now, as I have often admitted, the bad policy of incurring debt during peace; but that admission should not prevent me from proposing such temporary arrangements as might give time for mature consideration on the present financial condition and prospects of the country. The decision of to-night will involve a vote of confidence. If unfavourable to the government, it will imply distrust in their competency to relieve the country from its present embarrassment. They are chargeable with having produced it: it is in vain for them to refer to occasional causes of extraordinary expenditure—to a rebellion in Canada—to an expedition against China. After making allowance for these, there is the evidence of gross mismanagement—there is proof that, while there was a growing increase in expenditure, not only there was no effort made to provide fresh means of meeting it, but existing means were thrown away. Revenue was abandoned while estimates were increasing—revenue was abandoned, not from the conviction of the government that the sacrifice was wise,—but abandoned for the purpose of conciliating party support. What has been the cause of this? What has led us, step by step, to the brink of this precipice? Not the want of ability in individual members of the cabinet—not negligence, not incompetence—no, the evil is to be found in a departure from constitutional principles—in the persevering attempt to govern without having the confidence of the House of Commons. There may be dexterity in this, but it is fraught with intolerable evil to the country. I speak not of occasional defeats, but of the exhibition, year after year, of the inability of a government to carry its own measures. You yourselves must be conscious of this. You have written your own condemnation. When I retired from office, in 1835, after a short and ineffectual struggle of three months—when I relinquished office, on the express ground that I did not possess the confidence of the House of Commons—the noble lord told me, that I had acted in the spirit of the constitution. When Lord Melbourne returned to office, in 1839, after the defeat of government on the Jamaica Bill, Lord Melbourne—after referring to a conversation between King William III. and Bishop Burnet, in which the King observed, that the worst form of government was a weak and inefficient monarchy—said, that the worst administration that could be formed was that which did not possess sufficient of the confidence of parliament to be enabled to carry the measures which it deemed important for the public welfare. It is a violation of constitutional principle—a violation of the spirit of representative government—that this state of things should continue. It is not fit that we should present to Europe the spectacle of a House of Commons constantly refusing to sanction the measures of an administration, yet not influencing the fate of that administration. It is not for the interest of free and popular government, that this exhibition should continue. It is not for the interest of monarchy, that the servants of the Crown should be powerless in the House of Commons. It is not for the interest of the measures which they recommend, that those measures should be viewed with suspicion and distrust on account of the position of their authors. It not for the interest of public men—it detracts from their weight and authority—it is injurious to their public character—to retain office without power. Power, indeed, in one sense, they do possess. I do not underrate it. They can excite and inflame the people; they can, by the minutest detail of sufferings—by imputing those sufferings to the acts of the legislature—by comparing, for instance, the wretched condition of a manufacturing population with the ease and comfort of liberated negroes, they can obstruct the calm and dispassionate consideration of public measures. But this is a sorry triumph: this appeal to passion can always be made—it always has been made: distress—severe distress—privations that are afflicting in the recital—will always exist in such a society as that in which we live, and can always be urged against any measure which partakes (as the best measures may partake) of an unpopular character. These appeals have a powerful effect, when made by individual members of the legislature. When made by men in authority—by men, whose duty it is to resist the influence of such appeals, and to expose their tendencies—they act with tenfold weight. It may be, that you will succeed in your present object; it may be, that amid the conflicts of passion which you will have excited, amid the collision of contending interests, you may gather up the scattered elements of discord, and combine them into the materials of party strength; but you will find them dangerous and uncontrollable instruments of government. Rely upon it, that when authority supports itself by invoking the assistance

of agitation, it calls to its aid an ally, powerful no doubt, but an ally that will be its master, and not its slave.

The House divided:—Ayes, 281; Noes, 317; majority 36.

## CONFIDENCE IN THE MINISTRY.

MAY, 27, 1841.

SIR ROBERT PEEL: I shall proceed, without a word of needless apology or elaborate preface, to address myself to the subject of the motion of which I have given notice for this night. When, on Thursday last, the Chancellor of the Exchequer intimated that it was his intention to proceed with the business of the government, I entertained a strong impression that after the defeats to which that government had been subjected—defeats, as I thought, indicative of the withdrawal of the confidence of this House—indicative of inability on their part, to give effect to measures which they deemed important for the public welfare—I did feel, I say, that after that notice, unaccompanied with the slightest explanation of government, it was impossible for me to acquiesce in the propriety of the course proposed to be pursued, without taking some step which should bring to issue the question, whether government do or do not possess the confidence of the House of Commons; and having come to that conclusion, I infinitely prefer bringing the question to issue in the most direct and manly manner in which the sense of the House can be taken. I might have resorted to other proceedings. I might have obstructed the course of the government with respect to measures of great importance to the commerce and industry of the country. I might have threatened the government with obstructions to the grant of supplies, I might have taken the milder course of submitting a proposition for the postponement of some important bill, and thus, in an indirect manner, have tested the opinion of the House; but I think it infinitely better, on the very first day the forms of the House permit, to bring, in the direct manner I now propose, under the consideration of the House of Commons, the question, whether it give the present government its confidence. The resolution which I mean to propose, affirms two propositions—first, that her Majesty's government do not sufficiently possess the confidence of the House of Commons, to enable them to carry through the House measures which they deem of essential importance to the public welfare; and secondly, that their continuance in office under such circumstances, is at variance with the spirit of the constitution. My duty is to establish those propositions, and, if I establish them, I shall have a fair right to claim the assent of the House to the resolution which I am about to move. With respect to my first proposition, that "Ministers do not sufficiently possess the confidence of the House of Commons, to enable them to carry through the House measures which they deem of essential importance to the public welfare;" it is unnecessary for me to offer any detailed proof of its truth. Will any man affirm, after the experience, not of one or two nights, but after a long and continuous experience—will any man affirm that ministers possess so much of the confidence of the House of Commons, as to enable them to carry measures which they deem of essential importance to the public welfare? I am not speaking of occasional defeats, of casual obstructions to the progress of public business, I speak of the general course of public business, of measures which have been brought forward and postponed almost without an effort to carry them,—I speak of occasions on which measures proposed by the government have been modified, in deference to the opinions of those who opposed them. I speak of their failure to carry into effect measures, which they strongly recommended to the adoption of the House. I am speaking, not, as I said before, of one or two failures, not of obstructions offered to the government on its first formation; I am drawing my inference of loss of confidence from the continuous course of the government, in respect to legislation, and the degree of support which ministers have received from the House of Commons. I am speaking, of course, immediately with reference to the defeat they sustained the other night, on a most important measure connected with the financial administration of the country, following other defeats which they have recently met with. Now I say that these are complete and decisive proofs that

my first proposition is correctly stated—that the government do not possess such a degree of confidence on the part of the House of Commons as has enabled them, or will enable them, to give effect to measures which they deem important to the public welfare. If that proposition be true—if her Majesty's ministers do not possess the confidence of the House of Commons, then, I say, that their continuance in office is at variance with the principle and spirit of the constitution. I presume I shall hardly be asked to define what I mean by the "spirit of the constitution." I do not speak of those theories which refer to some combination of the opposing elements of monarchy, aristocracy, and democracy, each armed with defensive and offensive instruments, by which they keep each other in check. I speak only of that system of parliamentary government which has prevailed in this country since the accession of the House of Hanover. I speak of that system which implies that the ministers of the Crown shall have the confidence of the House of Commons. I speak of that system which has prevailed during the period when, according to the expression—the just expression of the noble lord, whom I now see opposite to me, in his able and dispassionate *Essay on the English constitution*, "the centre of gravity of the State has been placed in the House of Commons." When I use the phrase, "spirit of the constitution," I speak of the system of government which has maintained the equilibrium between monarchy and democracy—of that system of government which has harmonised those apparently conflicting elements—of that system of government which, by the constant yet almost unfelt interposition of slight checks, has prevented the necessity of recurring to the use of extreme instruments in the collision of antagonist powers. That is the spirit of the constitution of which I speak, and that spirit of the constitution appears to me to be violated, by the continuance in office of ministers who have not the confidence of the House of Commons. My impression on that subject is confirmed by a reference to all historical precedents having analogy to this case. It is confirmed by the authority of all eminent writers, all statesmen versed in the practical administration of affairs. But my impression also receives melancholy confirmation from the actual experience of positive evils which arise when another system of government is substituted for that which has hitherto prevailed. It is confirmed, likewise, by the course of historical precedent. I look to the period which all constitutional writers have referred to, as the period from which dates the necessary system of parliamentary government, to the accession of the House of Hanover, to the appointment of Sir Robert Walpole as Prime Minister, and I say that recurring to the history of administrations, we find that invariably, or at least with scarcely an exception, that a minister, whatever might have been his power, however confirmed his influence, however long the duration of his authority, when deprived of the confidence of the House of Commons, has felt it incumbent upon him to do homage to the principle of representative government, and to abdicate his functions as minister of the Crown. I begin with Sir Robert Walpole. He held office for, I think, the long period of twenty-five years. If I mistake not, he was appointed in 1715, and the termination of his power took place about 100 years from the period at which I am now speaking, namely, in 1741. Sir R. Walpole was dispossessed of power under these circumstances:—A motion was made by Mr. Pulteney, which implied the withdrawal of the confidence of the House of Commons. That motion was negatived in favour of ministers by a majority of three; but upon Sir R. Walpole being in a minority on the Chippenham election (the determination of election questions was then exclusively influenced by party spirit, and they were looked upon as convenient modes of testing the strength of ministries), notwithstanding the slight majority which he had on the question of confidence, Sir R. Walpole relinquished office, after having been minister for twenty-five years. In 1782, Lord North yielded to the same influence. In that year, two motions were submitted to the House of Commons. The first was brought forward by Sir John Rouse, and the second by Lord George Cavendish. One motion declared that it was impossible for the House to place confidence in the government, and the other was couched in terms very nearly similar. One was negatived by a majority of nine, the other by a majority of ten; but Lord North, nevertheless, yielded to the necessity implied by the withdrawal of the confidence of the House of Commons: and his authority also came to an end. In 1804, Lord Sidmouth retired from office, although he had in his favour a majority which has been almost unknown

in the recent history of parliamentary contests. Lord Sidmouth, in the course of his administration, frequently had majorities to a great extent, but they having been reduced to, I think, thirty-seven, his lordship felt it his duty to retire. He considered a majority of only thirty-seven, as indicative of the withdrawal of the confidence of the House of Commons. In 1812, on the first formation of Lord Liverpool's government, the House of Commons, on the motion of Lord Wharnccliffe (then Mr. Stuart Wortley), by a majority of four, agreed to a resolution expressing an opinion that a more efficient administration ought to be formed. That majority of four was decisive of the fate of the first administration attempted to be formed by Lord Liverpool. He and his colleagues resigned their trust into the hands of the sovereign, and it was not until attempts which proved ineffectual had been made to form another administration, that Lord Liverpool was again placed in office. The next administration which yielded to the influence of public opinion, as expressed by the House of Commons, was that which was presided over by my noble friend the Duke of Wellington. In 1830, on the meeting of parliament, upon the question whether or not the civil-list should be referred to a committee of the House of Commons, we were defeated by a combination of parties entertaining opposite opinions, and the House of Commons resolved by a majority of, I think, twenty-nine, to refer the consideration of the civil-list to a select committee. I felt that the minority in which the government had been left, was decisive of its fate. I thought it sufficiently significant of the fact, that we had not the confidence of the House of Commons; and therefore the Duke of Wellington and myself felt it our duty to retire from office. The right hon. baronet opposite, the President of the Board of Control, will recollect that upon that occasion, his opinion anticipated ours. Immediately after the decision, the right hon. baronet, entertaining an opinion which was just and natural, and which was in conformity with that of many others, inquired from me, "Whether, after such an expression of opinion on the part of the House, it was the intention of ministers to retain their places and continue to carry on the government?"

Sir J. C. Hobhouse: Since that period I made an apology to the House, and the right hon. gentleman, for having put that question, and said, that I considered the question to be a very improper one.

Sir R. Peel: I never thought of complaining of any want of courtesy on the part of the right hon. baronet. I never thought that the right hon. baronet proposed the question in an offensively hostile manner, and if I had supposed so, I would not have alluded to the circumstance on this occasion. The opinion which the right hon. baronet implied by his question was entirely confirmed by the House of Commons. Lord Brougham in vain attempted to appease the impatience of the House of Commons on that night, and my own opinion so strongly concurred with that implied by the right hon. baronet's question, that, on the next day, I signified to the Crown my intention to withdraw from its service. On the night after the right hon. baronet put his question, which never excited an angry feeling in my mind, Mr. Brougham suggested that, after what had taken place, it would be better to permit the ministers of the Crown to have some time for deliberation, and, considering the position in which they were placed, proposed that the appointment of the committee which it was wished should take place immediately, should be deferred till the next day. His advice, however, was overruled; and such was the impatience of the House of Commons to proceed to some decisive act which should imply the downfall of the government, that, on that very night, the select committee on the civil-list was appointed. The next administration which also yielded to public opinion, as signified by that of the House of Commons, was that over which I myself presided for a short time in 1835. I did carry on for a short time, an unequal contest, in opposition to the power leagued against me; but this I must say, that the first time I was positively obstructed in an act of legislation, that moment I felt it my duty to withdraw from the management of public affairs. I beg to remind the noble lord, that at a much earlier period than the date of my resignation, he implied an opinion that I was holding power injuriously to the public interests, because I did not possess the confidence of the House of Commons. On the 2nd of March the noble lord observed, that he believed no ministry ever stood before, in respect to the House of Commons, in so extraordinary a position; and the noble lord observed on the evil influence which

my attempt might have upon public affairs. On the 16th of March, the noble lord said—"I own I come more and more to the opinion that we ought to revert, whenever we can, to that old practice of the constitution, under which the powers of the Crown were administered and exercised by persons in whom the House and the country had confidence."

The noble lord said, that while persons exercised the powers of the Crown in whom the House reposed no confidence, they imposed the necessity of making motions most inconvenient, and, perhaps, unconstitutional, such as that which had been made relative to the appointment of a noble friend of mine to an embassy at St. Petersburg. The noble lord said—"You, by remaining in power, are contravening the principles of representative government, and you alone are responsible for the delays and obstructions that may arise, or for any offence to which, by your acts, the Crown is exposed."

The noble lord was then, day by day, waxing stronger in the opinion, that we ought to revert to the old practice of the constitution.

So little did I think that I had cause of personal offence in the remark made in 1830, that in 1835 I myself shared the opinion of the noble lord. In 1835 the right hon. gentleman opposite told me that the fault and difficulty of my position did not rest with the opposition, but from an act which would be the fruitful source of evils, namely, the endeavour to govern by a minority; and being, therefore, fully sensible of the difficulties of my position, so soon as the noble lord had carried a resolution which implied that no adjustment of the tithes would be satisfactory, except that which he advocated, I did not wait for the progress of the bill, for I thought, that the resolution indicated, that I did not possess the confidence of the House of Commons; and, therefore, being obstructed in the progress of important legislation, although I had remained in office after having been defeated on the amendment to the address, and on the choice of a Speaker; yet, being as I have said, obstructed in the progress of important legislation, I at once signified my intention of resigning office. In speaking of administrations which have yielded to the authority of the House of Commons, I have omitted to mention a case in which the precedent appears at first sight to be somewhat different. I mean in 1783, when Mr. Pitt, notwithstanding the adverse votes of the House of Commons, remained in office, and continued to hold office, until he could take the sense of the people by a dissolution. But I contend, that the circumstances of that case were in no degree analogous to the present. The circumstances of the contest between Mr. Pitt and Mr. Fox, in 1783, were these:—On December 17, 1783, the bill which had been brought in by Mr. Fox, for the regulation and management of affairs in India, was rejected. On the 17th of December, the very same day, the House of Commons resolved to go into a committee of the whole House on the state of the nation on the Monday following. On the 19th of December, the government of Mr. Fox and Lord North was dissolved. [Mr. Macaulay: Dismissed, you mean.]—I am much obliged to the right hon. gentleman, but I really thought, when a government had been dismissed, it might be said to be dissolved. On the 19th of December, Mr. Pitt was appointed minister. But before Mr. Pitt could take his place as minister in the House of Commons, an address to the Crown was moved not to dissolve parliament. At the outset of the government, before even there was time for the re-election of Mr. Pitt, his seat being vacated by the acceptance of office, an address to the Crown was moved, not to dissolve Parliament, and his Majesty was "earnestly entreated to hearken to the advice of his faithful Commons, and not to the secret advice of particular persons who might have private interests of their own, separate from the true interests of his Majesty and his people." An adjournment of Parliament took place on December 24th. Parliament re-assembled on the 12th of January, 1784, and before any one act of the government could be submitted to the consideration of the House of Commons, on the very day on which Mr. Pitt appeared to the House as minister of the Crown, on the very first day, a resolution of the House was come to, moved by Lord Surrey, as follows:—"That in the present state of his Majesty's dominions, it is peculiarly necessary, that there should be an administration which has the confidence of this House and the public."

On the 16th of January, four days after the meeting of parliament, it was moved



by Lord Charles Spencer:—"That the appointments of his Majesty's present ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this House; and that the continuance of the present ministers in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his Majesty and the people."

The objection to the continuance of Mr. Pitt, was not that the confidence of the House of Commons was withheld from the measures which he proposed. There were surmises—there were allegations that Mr. Pitt owed his power to the exercise of undue influence; that the King's name had been made use of for the purpose of influencing elections. The objection, therefore, was taken at the outset to the administration of Mr. Pitt. Before Mr. Pitt could take his seat, hostile resolutions were come to; and before he could bring forward any one act of government upon which the sense of the House of Commons could be taken, resolutions were affirmed implying objections, not to acts of that government, but to the principle upon which it was constituted. The battles which Mr. Pitt was then fighting was not in opposition to the principle that a minister ought to have the confidence of the House of Commons for the purpose of carrying on the government, but Mr. Pitt contended that Mr. Fox, having a majority in the House of Commons, was attempting to control the constitutional prerogative of the Crown, and, without reference to attempts at legislation, without reference to public acts of the government, was denouncing that Administration, and implying beforehand want of confidence in it. It is true, that there were in that case repeated resolutions implying a want of confidence on the part of the House of Commons, but I say, that the circumstances of that case are not analogous. They did not, in the case of Mr. Pitt, imply a want of confidence on account of the acts proposed by the government. They implied a want of confidence on account of the suspicion that it owed its origin to unconstitutional motives; and that it was the duty of the House of Commons from the first to dissent from and reprobate its appointment. On this principle it was, that the great contest took place in 1783-4, which led to the dissolution of that parliament, and the election of a new one. But is the present, I ask, a case at all analogous? Am I obstructing the course of a government at its first formation? Am I depriving it of the opportunity of submitting its measures to the consideration of Parliament? Am I not urging that you have had the opportunity, in repeated sessions, of laying before the House of Commons the measures you think essential to the public welfare, while they have been in some cases so modified, so altered by the prevailing influence of those in opposition—in other cases have so completely failed, having met with so little support either in their principle or details, that the long-continued experience of your weakness is the foundation of the resolution which I move? I say, then, that constitutional precedent, that the records of history, with one exception, and that the case of '83, not analogous to the present, support my proposition—that ministers not possessing the confidence of the House of Commons have felt it their duty to relinquish office. I say again, that the authority of public men and public writers comes in aid of historical precedent. The authority of Mr. Burke, the authority of Mr. Fox, the authority at least of all who have advocated the popular principles of representative government, are in unison with my opinions on this point, and confirm the position I have laid down. Take the opinions of Mr. Burke. Mr. Burke, on the motion relative to the speech from the throne, said:—"A House of Commons respected by his ministers is essential to his Majesty's service. It is fit that they should yield to Parliament, and not that Parliament should be new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration, and will lose that independent character which, inseparably connecting honour and reputation with the acts of this House, enables us to afford a real, effective, and substantial support to his government. It is the deference shown to our opinion, when we dissent from the servants of the Crown, which alone can give authority to the proceedings of this House when it concurs with their measures."

That was the opinion of Mr. Burke. What was the opinion of Mr. Fox? He said:—"That it was true, that the most solid and incontrovertible basis upon which a government could be built, was the confidence of the House of Commons. He meant, that cordiality and union, that constituted the spring of the House of Commons; and it was the confidence in the House of Commons which gave energy and effect to every administration. However disagreeable the issue, it must be imputed to those who thought themselves wiser than the House of Commons, and they alone must answer for it."

But did Mr. Fox say, it was the duty of a minister never to differ from the House of Commons? Did he not, on the contrary, arrogate to himself the right of proposing measures he deemed necessary for the public welfare, notwithstanding the adverse opinion of the House? He said: "He was far from meaning, that a minister was never justifiable in differing from the House of Commons. No man was more likely so to differ than himself; but he would adhere to his own opinion, and when he found that the House differed from himself, he would resign, and say to the House of Commons—'Choose some other instrument to carry on the public business; I am no longer fit to serve you.'"

Such were the opinions of Mr. Burke, and Mr. Fox. I will now refer to another high constitutional authority—no other than the noble lord himself, as expressed in that work to which I have before referred, and now refer again with the most sincere respect, as containing a most moderate, dispassionate, and able view of the British Constitution. The passage I am about to quote, be it remembered, is no hasty expression, uttered by the noble lord during the heat and excitement of debate, it is the calm and deliberate opinion of the noble lord, delivered in his character of a writer on the constitution of the country, upon the relative position of the Crown and the House of Commons. The noble lord says:—"The accession of George I. was the era when government by party was fully established in England. During the reign of William, Whigs and Tories had been employed together by the King; and although the distinction of a Whig ministry and a Tory ministry were more decidedly marked during the reign of Anne, yet Marlborough and Godolphin, who formed great part of the strength of the Whig ministry, were Tories; and Harley and St. John, who put themselves at the head of the Tory administration, had held, a short time before, subordinate offices under the Whigs. But the complete downfall of the Tory administration, who had signed the peace of Utrecht, and the well-founded suspicion which attached to the whole party, of favouring the claims of James the Second's son, placed George I. entirely in the hands of the Whigs. At the same period, the financial difficulties which followed the winding up of the war, and the great practical talents of Walpole as a statesman, contributed to give a greater importance to the House of Commons than ever, and to place within that House, if I may so express myself, the centre of gravity of the State. From the doctrine of the responsibility of ministers it follows, that they ought to enjoy the confidence of the Commons, otherwise their measures will be thwarted, their promises will be distrusted, and, finding all their steps obstructed, their efforts will be directed to the overthrow of the constitution."

The noble lord says, that "from the doctrine of the responsibility of ministers, it follows, that they ought to enjoy the confidence of the House of Commons;" and he justly describes in powerful language, the consequences which would follow from departing from the constitutional rule. He says:—"Otherwise their measures will be thwarted, their promises will be distrusted, and, finding all their steps obstructed, their efforts will be directed to the overthrow of the constitution."

Now, although the noble lord is in office, yet I will not take so extreme a view as he has taken of the consequences of persevering in such a course. It may not follow, that the ministers, being obstructed, will meditate "the overthrow of the Constitution," but those other evils, that the noble lord has spoken of, must necessarily and inevitably follow, as the consequences of endeavouring to govern by a minority in the House of Commons. You cannot, in this country, restrict the influence of party. You may say, "Why meet this government by party opposition?" Why not lend them your cordial and hearty support, without reference to their merits, and thus enable them to go on? Why, the noble lord himself

has properly scouted such doctrines. The noble lord said:—"From the collisions of party, arise the energy and vital principle of the constitution, and of popular government. (The noble lord added) I never find any persons denouncing these party animosities and conflicts, except mock philosophers, effeminate men, and sentimental women."

The natural and unavoidable consequences of attempting to govern by a minority were the consequences I met with. Upon almost every night my proceedings were obstructed. On every committee of supply, I met with some motion which prevented my proceeding with the public business; and at length I was compelled to yield. While party influence and party connections remain in this country, such will be the case; but this I will say, of all administrations that ever existed, considering the relative position of minorities or majorities, whichever it may be, never government met with less obstruction than the present. Never government had less of factious or mere petulant opposition. Without encouraging extravagant apprehensions then as to the overthrow of the constitution, this I say, that practical experience proves to us, that the noble lord is right, that there will be great evils, absolute, unavoidable evils, in the administration of public affairs, resulting from the inversion of the constitutional rule, and the attempt to govern without a sufficient majority in this House. Look at the noble lord's experience in the administration of affairs since he held office. Let me take the present parliament—let me instance three measures—one in its commencement, one in its maturity, and a more recent one, supposed to be towards its close. First of all, let me take the history of the appropriation clause, then the Jamaica bill, and lastly, the case of the sugar duties; and can I see what has taken place on these three questions without coming to the conclusion that the authority of the House of Commons is not supported by the course which has been pursued? I never taunted the noble lord for abandoning the appropriation clause. I thought he was placed in a situation of necessity, which, upon the whole, made it advisable for the public interests that there should be a settlement of the title question without the appropriation clause, but can I conceal from myself, that this necessity arose out of the weakness of the government—that it arose out of a want of confidence on the part of the House of Commons, which left to the government no other alternative but to recede from the most express engagement, or, by insisting on that engagement, to sacrifice great public interests! Then, look to the Jamaica bill. Do I want the most conclusive proof of the evil consequences likely to arise upon that question on account of its abandonment by the government? The government brought in a bill, the object of which was to extinguish representative government in the colony of Jamaica. It failed. We opposed them. They were compelled to bring in another bill in conformity with our recommendations. But what was the statement of the evils anticipated from that course by the noble lord, the Secretary of State for the Colonies, and the noble viscount at the head of the government? The noble lord opposite said—"It is obvious, that in Jamaica the authority of the Crown will be greatly weakened by any vote of the House of Commons giving support to the contumacy of the Assembly of Jamaica against the proposition of the ministers of the Crown. (He said,) In continuing in the administration of affairs, not having a sufficient degree of confidence and support to carry on those affairs efficiently in this House, we should be exposing to jeopardy the colonies of this country."

Lord Melbourne said—"The Jamaica bill was of paramount indispensable importance, for the great objects of emancipation, and the vote of the House of Commons was fatal to that measure. Not only so, but it indicates, with sufficient clearness and distinctness, such a want of confidence on the part of a great body in the other House, as to render it absolutely impossible that we should continue to administer the affairs of her Majesty's government in a manner useful and beneficial to the country."

That is the opinion which you yourselves give as to the degree in which the colonial interests were to be compromised by the attempt to govern without a sufficient majority in the House of Commons. Take, again, the case of the sugar duties. Can you, or can any man, say, that the position of the Chancellor of the Exchequer

was a satisfactory or becoming position? After the grounds on which that measure had been advocated—after the importance which had been attached to it—after the expectations of relief which were held out in consequence of its adoption—was it a course calculated to exalt the authority of the House of Commons to find the Chancellor of the Exchequer, on Thursday last, having been overruled in his propositions, after the declaration of the Judge-Advocate, that we must consider the budget as a whole—was it becoming in the Chancellor of the Exchequer to move, without a word of explanation, the adoption of the existing sugar duties? I say, that those measures to which I have referred, and which are but specimens and examples, are conclusive proofs, that the evils which the noble lord prophetically anticipated, as arising from the thwarting and obstruction of the government, have been practically realised, as we ourselves have had the opportunity of observing. Is this for the credit of the House of Commons? Is this for the maintenance of its authority, as one of the constituent branches of the legislature? Alas! no. It may appear, to a superficial observer, that it is a proof of the strength of the prerogative of the Crown, that it should be able to support its ministers without a majority of the House of Commons. But that is an imperfect and mistaken view. The interests of the Crown and the interests of the House of Commons are identical. You cannot strike a blow at the House of Commons, in its just and legitimate authority, without, at the same time, striking a blow at the monarchy of this country. But, can it be said to add to the authority of the monarchy, that its ministers and representatives, who counsel measures in this House, on the authority of the Crown—can it be supposed, that the sorry triumph of being maintained in power by the Crown—is a compensation for the delays, for the spectacle of insufficiency and want of authority in the government we have recently beheld; It may be said, “True, we may have not the confidence of the House of Commons; but, perhaps, as Mr. Pitt, was able to say, though Mr. Fox denied it, if we fail in the House of Commons, there are sufficient indications that we possess the confidence of the country. First, however, I should say with Mr. Fox, it is dangerous to admit any other recognised organ of public opinion than the House of Commons. It is dangerous to set up the implied, or supposed opinions of constituencies against their declared and authorized organ, the House of Commons. The House and the constituencies should not be brought into this unseemly contest. But if you deny the force of that argument—if you hold that it is right to defer to the opinions of the constituencies—can you, I ask, show me, in the elections that have recently taken place, any just ground for the boast, that the confidence withheld from you by the House has been extended to you by the constituencies of the empire? I know not exactly how many vacancies have occurred since the commencement of the present parliament. I believe them to have been upwards of one hundred; but this I can say with confidence, that, upon the general balance, there have been twenty elections in which there have been changes of the former members, and of those twenty, embracing large towns, boroughs, agricultural districts, in fact, every kind and description of constituency, out of those twenty in which changes have taken place, sixteen have been adverse to you, and four only have been in your favour. So that, upon the whole, in those places where changes have taken place, during the present parliament, there has been a positive loss of not less than twelve members. I say, then, whatever may be the object you expect from an appeal to the people, if that be the course you are meditating, you have no right to say, from the result of the elections hitherto, that the opinion of the constituencies differs from that of their representatives. I know it will be said, that all my general doctrines may be true—that it is right, under ordinary circumstances, that ministers should have the confidence of the House of Commons; “but there are special and peculiar circumstances,” her Majesty’s ministers might say, “that except us from the ordinary rule, and entitle us to continue in office.” Now, it is perfectly obvious that this plea will apply in fact to all times. Who can deny, that in the important position of this country, with such complicated affairs to be administered, there must be at all times, special and peculiar circumstances connected with the executive government of the day, and that you (the government) being the judges, will be enabled to discover special and peculiar circumstances, why

you should be exempted from the ordinary principle; so that, in fact, there will be no limit to the application of that principle? The men who have to determine are not quite impartial judges as to the urgency of the circumstances which constitute the special case. Perhaps, however, it may be said, that you contemplate an appeal to the people, and that you are holding office for the purpose of making that appeal. I know nothing whatever upon that subject. As a member of the House of Commons, I can have no evidence of the intentions of the Crown. But I see you repeatedly in minorities; I see indications that you have not the confidence of this House. I know that you have power, at any time, to dissolve—I know, too, that you can choose the most favourable time for a dissolution. No doubt that is the prerogative of the Crown, a prerogative of a delicate nature for the House of Commons to meddle with. But all this does not relieve me from the performance of what I conceive to be a duty, in calling upon the House of Commons to say, if her Majesty's government possess their confidence or not. And here, too, I will say, that I shall have no additional confidence if, after exciting the public mind upon such a subject as the sustenance of the people, you then make your appeal to the country by a dissolution. I believe that you are not, by that course, advancing the measure which you advocate. I do not underrate the power of clamour. I do not underrate the evils arising out of the conflict of opposing parties. I do doubt your power to carry that law, as I doubt your power to carry a proposal of a shilling a bushel fixed duty. Although I have no right to anticipate the decision of the House upon the Corn-law, yet I appeal to any rational man, whether he does not concur with me in this conclusion, that you are bringing forward your measure without a hope of being able to carry it, or of procuring the assent of the present House of Commons to your proposition; that you bring it forward (I will not say with the purpose, but the certain effect of your proceeding will be) to produce, by the increased agitation of the public mind, an indisposition to look at any settlement of the question. Nevertheless, you may say, you conceal your intentions with respect to a dissolution, and that, after taking a debate on the Corn-laws, you reserve to yourselves the power of appealing to the people. I disregard that consideration altogether, as a reason why I should not bring forward the present motion, and I am fortified in this conclusion by the course which you yourselves took with respect to a measure scarcely less important than that of the Corn-laws—I allude to the bill relative to the Poor-laws. You propose, without having, as I think, sufficient authority as a government, to submit to the consideration of the House an important measure on the subject of the Corn-laws; and yet you, at the same time, notify your intention not to proceed with the consideration of another measure connected with the Poor-laws of the country, which you profess to think of essential importance. And on what ground do you withhold this measure, from the consideration of the House? I have your own authority—a statement from your own mouth—as to the grounds on which you withhold from discussion in the House of Commons, the question of the Poor-laws, which you professed to regard as one of paramount importance. The noble lord opposite, stated, that “in the present state of affairs, he thought it better not to proceed with the Poor-law amendment bill;” and on what ground? “In the first place,” said the noble lord, “there would be a protracted discussion without any final result.” That is the ground which you urged to the House of Commons as a reason for withdrawing from its cognizance the question of the poor-laws—“a protracted discussion without any final result.” If this is your anticipation, with respect to the Poor-laws, may I not venture on a similar anticipation as to the Corn-laws? If I deviate from strict form—if I am unobservant of technicalities in anticipating a discussion on the Corn-laws, do not you fall in the same error, in making prophecies in respect to a discussion on the Poor-laws? You think that that is a legitimate ground of action—you expect that there will be long discussions without final results on the Poor-laws—I anticipate the same with respect to the Corn-laws. Nay, you proceeded to prophecy—“In the next place, with the expectation that every hon. member seemed to have, that he was to account for his conduct on the hustings.” The noble lord opposite, thought “there would be a great many motions, and a great many speeches made, intended rather for the hustings than for any useful

purpose of legislation." The poor-law bill, then, was stated to be withdrawn, not on account of the unpopularity of the measure, not because its discussion in the House of Commons might inconvenience members at an election, but on the ground, "that there would be long discussions without any final result;" and "Members would make speeches rather for the hustings than for any useful purposes of legislation." This was the ground on which the Poor-law bill was abandoned; but the Corn-law question is to be persevered in. Is there any more prospect of a final result from the discussion of this subject? Is there less expectation of long speeches—any greater reason to anticipate that the speeches delivered will be spoken more with a view of convincing the judgments of hon. members in this House, than for the purpose of conciliating the favour of the constituencies, whom the speakers might represent in agricultural or manufacturing districts."

I have been given to understand—but I can scarcely believe it—that *her* Majesty's government, in proposing an alteration of the Corn-laws for the consideration of the House, intend, when the result of the discussion is known, to appeal to the people. If an appeal to the country be made on such a question, so far from tending in the slightest degree to remedy the depression of trade, and to calm the agitation and increase confidence in the public mind, it will, according to my firm belief, only serve, by suspending the operation of all the ordinary retail dealings of this metropolis—by leaving in a state of uncertainty for months to come what the ultimate decision of the House of Commons would be on the subject of the Corn-laws, to aggravate the evils already connected with the stagnation of commerce, and throw an effectual obstacle and impediment in the way of the revival of its prosperity. And, therefore, as I said before, if I had the perfect assurance—which you cannot give me—that it is your intention to bring forward a discussion on the Corn-laws, so far from that being a reason why I should not press my motion to a division, I should regard it only as an additional ground for doing so.

There are many other reasons, which I might state as a justification of my present motion, but I do not intend to enter on them. I rest my proposition to-night on constitutional grounds. I think I have sufficiently proved that "Her Majesty's ministers do not sufficiently possess the confidence of the House of Commons, and their continuance in office, under such circumstances, is at variance with the spirit of the constitution." I reserve all other grounds. I have a want of confidence in them, on account of their administration of the finances of the country. I think that our embarrassment, with respect to the finances, mainly arises from the same cause as has brought on the general embarrassment of the country—the attempt on the part of the ministers to administer the government without possessing the confidence of the House of Commons. I do not believe, if they had possessed the confidence of the House of Commons, that they would, in the face of an increasing expenditure—in the face of an increasing deficiency (not of a decreasing revenue, comparing the expenditure with the revenue)—I do not believe that they would have incurred the risk, nay encountered the certain evil, of losing £1,200,000 of revenue by the Post-office bill. I believe that it was the same cause which led you to abandon that Post-office revenue as induces you to have recourse to the expedient to which you have now resorted.

Your weakness is the cause. I believe your weakness is the cause of your constant oscillations between Conservative opinions on this side of the House, and antagonist opinions on the other. You found it necessary to conduct the government on Conservative principles; and in making the attempt you encountered the opposition and forfeited the confidence of gentlemen on your own side of the House. It became necessary for you to re-establish yourselves in their opinion; and you discovered that some measure must be had recourse to, like that of the Post-office bill, for the purpose of recovering their favourable opinion. When was it that the Post-office Bill was introduced? After your failure on the Jamaica bill. I cannot dive into your intentions—these things may not stand in the relation of cause and effect; but it was a remarkable circumstance that, after your defeat on the colonial question, you did resort to that measure which I deprecated at the time and opposed; not that I denied that advantages might arise in many respects from the reduction of the Post-office duty, but because I thought we

could not afford to hazard a revenue of £1,600,000, and because I did not believe that your resolution, that "you would supply the deficiency by increased taxation," would be listened to with any great favour. I do believe it is the same cause now—your weakness—which has impelled you to propose a budget which has only had the effect of disturbing the country. When you say that your object in proposing these measures is to supply the deficiency in the revenue, you do not explain to us how that hope is to be fulfilled. The Chancellor of the Exchequer never explained to us whether he expected to recover the £1,400,000 or £1,600,000 lost in the Post-office, by the imposition of a fixed duty upon corn. It is necessary that that point should be explained, for unless the admission of foreign corn at a fixed duty of 1s. per bushel, will secure a revenue of £1,600,000, the budget of the Chancellor of the Exchequer is worth nothing—literally worth nothing at all. [It was intimated that the calculation of the Chancellor of the Exchequer was to raise only £400,000 from the admission of foreign corn.] I understand the calculation to be £1,600,000, but whether it were so calculated or not, it is plain that the revenue derived from the admission of foreign corn must be at least equal to that sum, if the deficiency in the revenue is to be supplied; for as the Chancellor of the Exchequer estimates the amount of the customs for the present year, at the same amount as the customs of last year, and as £1,100,000 or £1,200,000 of the customs revenue of last year, was derived from the admission of corn, it is clear that his calculation to be just, must be upon the anticipation of driving somewhere about £1,600,000 from the admission of foreign corn in the present year. Now, with respect to the duties on timber. I have seen an answer returned by Lord Sydenham to a deputation which waited upon him on this subject; what does Lord Sydenham say? I have no official information on the subject. [An observation was made by Lord John Russell.] Surely the noble lord does not mean to draw a distinction between a private letter written by him, saying "we are going to bring forward the timber duties," and an official despatch, in which the same intelligence was conveyed in a more formal manner. Surely the noble lord will not insist upon the distinction to be drawn between an intimation made upon large paper and one made upon small paper—the one being marked "private," the other bearing upon its cover the stamp of official business. But Lord Sydenham says, that if the government should bring forward the timber duties, it will be his imperative duty to urge that due regard be had to all existing interests, and that ample time be given to vested interests to dispose of them, and to provide for the transfer of their property to some other branches of trade. If that be the case—if that imperative duty be imposed upon Lord Sydenham—will it be possible to realise, in the course of the present year, the revenue you anticipate from an alteration of timber duties? But it is not my intention to enter into detail. I reserve altogether my opinion upon this and other measures of administration. I reserve altogether my opinion upon China. I will only say, that upon that question I can give you no confidence. I cannot conceive a position more fraught with anxiety as to the moral influence of England, not only in China, but throughout the whole of the Indian empire, than that which we now occupy, as far as our present information goes, in that quarter of the world. Upon other great questions, such as our relation with America, and with France, I retain the opinions I have previously expressed. I have viewed our alienation from France with feelings of deep regret, and without entering further into the subject, I may state, that notwithstanding the brilliant exploits of our fleets and armies, I yet entertain the opinion, that it would have been impossible to have effected every thing that British and continental interests required, in a manner that would have been reconcilable with such a mode of proceeding towards France as would have avoided the excitement of so bitter a feeling towards us in that country, the consequence of which has been, the unproductive expenditure of a vast amount of capital in making preparations for war, and the generation of a feeling in the French mind which, I fear, will for some time prevent the re-establishment of those friendly relations between France and this country, which I sincerely wish to be permanent, and which, I believe, to be one of the most essential foundations for the permanent peace and tranquillity of Europe. But into these considerations I will not enter; because I

wish mainly to urge the constitutional ground upon which my motion is founded. Confining myself to that ground, and maintaining silence upon all others, I dare say I shall be met by the taunt, that I have brought forward no scheme of comprehensive policy of my own. I shall be told that this is a decisive motion—that I might possibly have concealed my opinions when I was discussing the sugar duties, but that when I invited the House to concur in a motion of this kind, I ought to be prepared with some declaration of public opinion upon all questions of public interest and national importance. To that I answer—Where is the man that has more explicitly declared than I have, his opinions upon all the great constitutional questions that have of late years been raised—upon the ballot—upon the extension of the suffrage—upon the shortening the duration of parliaments? Have I ever withheld my opinions upon any one of those great questions? The hon. member for Finsbury says to me, “Make a bidding against the government. Outbid the government! Propose something further than the government, and then you shall have the support of gentlemen of extreme opinions like myself.” I shall do no such thing. I make no bidding for popular applause. I maintain my opinions upon the great constitutional questions to which I have referred, and I shall not, for the purpose of filching some support from the government on the present occasion, indicate opinions at variance with those which, in the course of discussions upon those individual questions, I have constantly expressed. Did I not, when a question like the present was last under the consideration of the House, did I not, upon the vote of confidence last year, fully and explicitly state my views with respect to all the ordinary subjects of legislation? Have I not, when any question has been brought forward, whether church reform, church rates, or any other question of important public interest, invariably expressed my opinions in plain and explicit terms? What is the public question of ordinary legislation in respect to which any rational doubt can be entertained as to my views? I certainly draw a distinction between financial questions, and ordinary matters of policy. I stated the other night—I stated explicitly, that I would not express any opinion upon the financial condition of the country; and I repeat now—giving you the full advantage of that expression of my opinion—that if I were called to power to-morrow, I would claim the right (for it was in that sense I used the expression) deliberately to review the financial position of the country, and that I would not be forced into any precipitate measures for the purpose of extricating the exchequer from its present difficulty. These are the grounds upon which I submit, with confidence, my resolution to the House of Commons. I never have been a flatterer of the House of Commons. I never have encouraged the House of Commons in any attempt to carry measures which I thought would have the effect of unduly increasing its own privileges and power, at the expense of the prerogative of the Crown. The very last occasion on which I gave a vote, was in support of her Majesty’s government, in their attempt to resist a motion, which, in their opinion, would have the effect of unduly encroaching upon the prerogative of the Crown. I did what I could to support the Crown’s prerogative; but my example was not followed by many members of her Majesty’s government. I did what I could to resist the attempt of the House of Commons to interfere with the undoubted prerogative of the Crown. That attempt, Sir, was defeated by your single vote. You were the single obstacle to a motion, which, in your opinion, would amount to an interference with the prerogative of the Crown. You, Sir, though the organ of the House of Commons, had the manliness, which I expected from the consistency of your conduct; yes, Sir, you had the manliness to interpose your single but exalted and effectual authority against a measure, which you deemed injurious to the principles of the constitution. I expected that vote, and I expected the declaration of principle upon which it was given. But when I saw how great had been the risk, I could not but feel confirmed in my opinion, that the prerogative of the Crown was not safely protected by a government, which, even with the aid that I, assisted by my friends, could lend them, could command only an equality of votes upon a question of so much importance, and were obliged to call upon the Speaker to save them from the disgrace of defeat, upon a matter in which the prerogative of the Crown was directly concerned. But, although I have resisted, and always will resist, any unconstitutional attempt on the part of the House of Commons, to trench upon the prerogative of the Crown, I



have yet endeavoured to maintain in the House of Commons, every just principle to which it could lay a claim. I supported the noble lord (Lord J. Russell) last year, in defence of the privileges of the House of Commons. I might, upon that occasion, have been seduced by the temptation of party advantage, to take a different course. As it was, I had to encounter the pain of differing from, perhaps, a majority of my friends. But I thought that vital interests—that important powers were at stake, and I was determined that I would not, to conciliate the favour and affection of my own esteemed friends, put to hazard the legitimate privileges of the House of Commons, and subject the House of Commons to the control of a court of law. I know that it is imprudent and unwise to advert to these things. I know that it would be more politic on my part to conceal these differences with my friends. But I will be guilty of no such concealment. I differed from them and voted against them, from a sincere belief, that it was absolutely necessary for the vindication of the privileges of the House of Commons, nay, that it was essential to our existence as a legislative body, that we should have the power of free publication. Why should I shrink from a reference to the opinions I then expressed, and the vote I then gave? Is it not rather a subject of pride with me that I can be permitted to take my own independent view as to the vital privileges of the House of Commons, and yet that due justice shall be done to my motives, and that I shall again be able to rally around me in the bond of common connection and common esteem, those friends from whom I happen upon this particular question to differ. Acting in conformity with these views, which teach me to resist the encroachment of the House upon the prerogative of the Crown, and yet to maintain for the House itself its legitimate influence in the State, I think I may fairly conclude that the House of Commons has a right to expect that the minister of the Crown, who is alike the proper guardian of the royal prerogative and of parliamentary privilege, should possess its confidence. This present House of Commons has been constituted and moulded upon the views of the noble lord the member for Stroud (Lord J. Russell). The noble lord was the author of the bill by which this House of Commons was constituted. It was the noble lord who thought it expedient to abolish the system of nomination boroughs. It was the noble lord who thought it expedient to introduce more of popular spirit into the constitution of this House—to make it correspond more with the progress of popular intelligence, and with the advance of knowledge. To achieve this the noble lord thought that we ought to make the House more an image of the public opinion—an assembly more sympathizing with the people—more originating from the people—more expressive of the public view. This House of Commons, thus constituted according to the views of the noble lord—this House of Commons had the advantage (if it could be so considered) of being elected under the noble lord's auspices; and whatever benefit there may be from having had its election at the time when her gracious Majesty came to the throne of these kingdoms, that benefit also the noble lord was possessed of. Yet this House of Commons so constituted, so elected under the auspices of the noble lord—this House of Commons it is that has given, as I think, sufficient indications that it withholds its confidence from the government of which the noble lord is a conspicuous member.—I trust I have executed this duty in conformity with the spirit in which I intended to execute it—with none of that asperity of party which I may sometimes be betrayed into when rising at the end of a debate to speak under the excitement and agitation which naturally belong to that period of our deliberations. It has not been my intention to treat with disrespect those who hold the executive offices of government, but it has been my intention to say to the government, it is your duty to the House of Commons—if it has those additional claims upon public confidence which you ascribe to it—if it embodies more of the public spirit—and reflects more accurately the image of the public mind than those which have preceded it—it is your duty, your peculiar duty, not to deprive it of any of the legitimate influence which it possessed under other circumstances, and which you were the first to recognise, and to wish to extend.—Of this I am convinced, that if the House of Commons, so constituted; had ratified your decrees—had acted in conformity with your suggestions, you would have been the first to acknowledge its opinions with respect; and let me tell you that when the House of Commons takes a different course, it is your bounden duty not to reject its decisions with scorn, because,

they are unfavourable to your views, and hostile to your continuance in power.

A long debate ensued, extending over five nights, at the close of which, SIR ROBERT PEEL again spoke to the following effect :—Mr. Speaker, a great portion of the speech of the noble lord has been occupied by the information, kindly conveyed to me, as to the measures which I should discover to have passed, in case, after the lapse of ten years, I should be called to office. And I have not the least doubt, that, if there should be in the House at present, as there was some time since, some eminent stranger, to whom the speech of the noble lord should be translated, and who may not be very conversant with the parliamentary history of this country, that eminent stranger would suppose that I was a person to whom it was necessary for the noble lord to convey information as to the measures that have been passing during that period, that I have been excluded for ten years from any parliamentary proceedings—and that I had taken no part whatever in those measures which the noble lord was detailing. I can assure the noble lord that his reminiscence was unnecessary. With many of those measures I have been fully conversant. I think I know something of the consolidation and improvement of the criminal law. It is true, I did not appoint a well-paid commission, of five gentlemen, sitting for years. I effected those improvements with no other aid than the ordinary official assistance; and after the testimonies which I have heard borne to the utility of those improvements from the ministerial side of the House, I think it is hardly necessary for the noble lord now to claim exclusive credit for them, and to remind me that such a thing had been effected, as an improvement in the criminal laws. Then, with respect to Dissenters' Marriages, why, during the short period that I was permitted to hold office, in 1835, one of the measures which I introduced, was the measure for the removal of grievances of which the Dissenters complained, both in respect to marriage and to baptism; and, on my statement of that measure on the part of the government, I well recollect that to the principle of it, and to the spirit in which it was conceived, ample testimony was borne by those who then occupied the opposition benches. With respect to the English Tithe Commutation bill, I think also I need not be reminded of it in this House. For, although it is true, the noble lord did superadd, after the lapse of three years, the compulsory commutation—and, I admit, it was an important improvement—I never contended it was, nor when I brought that measure forward, did I say, that I would exclude compulsory commutation; yet, with that addition, the whole of my own measure was copied, and introduced by the noble lord into his bill, and I did all that I could towards promoting its efficiency and perfecting it. Then again, with respect to the Irish Commutation act, all I know is, that after a lapse of three years, after much confusion, disorder, and bloodshed, in Ireland—for which I was not responsible—but after an intervening delay of three years, the self-same measure, which I had introduced in 1835, was tardily and reluctantly assented to by her Majesty's government. The noble lord says, "Don't feel too confident as to the permanency of that settlement." O! no, I feel no such confidence. I know that the noble lord has the power to disturb it. God forbid that the pressure of political necessity should ever induce him to disturb it; but, I own, I shall feel much greater confidence in its permanency, if I can have the assurance that no political necessity can occur, than I now feel that, if a necessity should occur, it will not be submitted to. With respect, likewise, to the Irish Poor-law act—why, do I not recollect the bitter, the venomous, opposition to that law, which the noble lord met with from him who is the chief supporter of his government? Do I not know, with respect to that measure, and with respect to half the measures which the noble lord has thought it necessary to recal to my recollection, that, without my aid, the noble lord could not have carried them? Next, is the English Poor-law bill. Does the noble lord really think it necessary that he should inform me, as if I had been banished from this House, that a Poor-law bill has been under consideration? Then comes the Jamaica bill. The noble lord says, I have no right, whatever, to taunt the government on the subject of Jamaica. I am not conscious that, in discussing the subject, I ever did taunt him. I said this, that the

noble lord had been compelled to adopt the suggestions I offered with respect to the Jamaica bill. The noble lord says, that the amendments I proposed were slight and unimportant, and that they involved no difference in principle, but that their adoption simply referred to time; and that, if the House of Assembly in Jamaica proved refractory, the time might come when he himself might assent to those amendments. But if those alterations were a slight and unimportant difference, why did the noble lord, in consequence of their adoption, abandon the functions of government? The noble lord seeks refuge under the authority of the Duke of Wellington; but, I think, without much bettering his case. In the course of this session, the noble lord was compelled to admit, that it was well that our counsels had prevailed—that our predictions had been verified—and that it had not been necessary to sacrifice popular government in Jamaica, and thereby set an example for the forfeiture of popular government in every other colony which had liberated negroes. The noble lord, instead of disturbing the peace of society throughout the West India colonies, and shaking the security in representative government, in consequence of differences which he now says were unimportant, but which were important enough, in his opinion, at one period, to justify the abdication of his trust—has been compelled to admit, that, by taking our advice, he has secured every object to which he could have looked, and has prevented that confusion and disturbance which would have followed an adherence to his own system. I recollect, then, not only the measures which have been passed, but I recollect also the dangers that have been averted, through our interference—dangers which, without our assistance, the noble lord had not the strength nor power to avert. What would have become of the question of the ballot? What would have become of the New Reform bill? Would the noble lord, by the mere strength of his own hand, and without our help, have had the power to prevent, in the midst of the storm, “the raising of the anchors by which the British monarchy was moored.” What would have become of many of the prerogatives of the Crown, if it had not been for our intervention? Have I not seen the noble lord abandoned, not only by those who are giving him their support to-night—they voting in direct opposition to him—but have I not seen him seated almost alone, when some of the most important prerogatives of the Crown have been under consideration,—with scarcely one of his official colleagues to assist him in the vindication of them? And, therefore, it is, that I recollect, not only the measures which have been prevented by our opposition, which have been modified at our suggestion, and which, when good, have been carried exclusively by our aid; but I recollect, likewise, the important changes in the British constitution, which have been attempted—the revolution, once a-year, which the noble lord had to deprecate, which has been sought to be effected; I recollect all this, and I know that it has been by the aid of the Conservative party, that the noble lord has been able to avert them. The noble lord has described his government, as a government successful abroad, possessed of the confidence of the Crown, and having its measures discussed by a House of Commons, the constitution of which was framed by the noble lord himself. With all these glories, and all these advantages—according to the noble lord’s own statement—will he permit me to ask him, why it is that he does not possess more of the confidence of the House of Commons? The noble lord has said, that all I promised was to take a calm review of certain matters. True, I did so; but I did not allude to those legislative and political measures which, night after night, I have been reviewing. But, among other differences which I should find, and have to review, when restored to power, one would be this, that whereas I, who, on quitting office, left a clear surplus of two millions of revenue—I, who belonged to an administration which, in three years, had reduced the public debt by twenty millions—I, who belonged to a government that had reduced the interest of that debt by one million annually—should have to deal with a state of things which presents a deficit of nearly eight millions, under an administration of five years. True, I should find reforms; true, I should find a Poor-law; true, I should find the Jamaica constitution—defective but for our recommendations; true, I should find that I had introduced into the preamble of a certain Canada bill, an amendment, which the noble lord told me, if adopted,

would be fatal to the bill—nay, would be fatal to the government; but that amendment was introduced, and notwithstanding its introduction, and notwithstanding the predictions of the noble lord, the same government has still preserved its vitality. Among all these discoveries which I should make, still my satisfaction, certainly, would be somewhat abated, on perceiving, notwithstanding all this success, that such is the melancholy state of our finances, that there has occurred, within five or six years, a deficiency of not less than £7,600,000;—and it was with reference to the means of supplying that deficiency, and of determining upon what system the financial administration should be placed, that I declined to accede to your preposterous demand, that I should at once come forward and suggest what those means, and what that system should be. I stated, that I would promise nothing but a careful consideration of the causes which had led to this deficiency, and of the measures by which that deficiency might be supplied. That was the calm review which I promised; and is it not too much for men who have all control over every public department, who have the means of collecting efficient information from able public servants, in every department of the revenue, whom they may call to their assistance;—is it not rather too much, that they, who have been the immediate cause of involving the country in that deficiency, should tell me that, without such official aid, it is my duty to suggest the means of supplying it. I come now to the constitutional objections which have been made to the resolution which I have proposed; and I must say, that it has been impossible to discover any objections, on constitutional grounds, to the proposal involved in that resolution, without abandoning every principle for which the Whigs have hitherto contended. I begin with the objections urged by the right hon. gentleman, the Secretary at War. That right hon. gentleman says, that my resolution involves a mere abstract dogma—that it is a mere declaration of constitutional law. Does the right hon. gentleman really believe that any man will construe that resolution without reference to the circumstances on which it bears? Does the right hon. gentleman mean that I am really proposing a resolution to this effect,—“that any minister, who is in a minority upon an important legislative measure, ought to resign?” Is that the resolution I am proposing? Do I contend for that principle? Do I say, that any minister, on the first formation of his government, and who is obstructed by a powerful opposition, is bound to resign after the first defeat he encounters? Of course I do not, or I should condemn myself for the example I set in 1835. Do I, again, say that it is the duty of a minister, having proposed certain financial measures, and having met with obstruction, at once to resign office, and abandon the reins of power? No such thing. I lay down no such principle; and I trust no government will ever consider itself bound by it. I do not hesitate to say, that you might taunt me as long as you please with this resolution, but I should not feel myself bound to resign upon any single defeat. Of course not. I construe that resolution with reference to the circumstances in which the ministers are placed. If the right hon. gentleman and his colleagues are dissatisfied with respect to their own confessions and declarations of their inability to carry on the government, why, I ask, did they resign on the Jamaica question? The noble lord now says, that it is a monstrous doctrine, that a ministry ought to resign on the failure of legislative measures proposed by themselves; and he has gone through a long series of precedents, showing how ministers had retained office in defiance of the legislature. Sir Robert Walpole, the noble lord says, was defeated upon the Excise scheme;—Mr. Pitt was defeated upon the question of the fortification of Portsmouth and Plymouth; and Lord Liverpool was defeated on the property tax;—and yet none of these ministers resigned. No doubt all this is perfectly true. But do I affirm it was their duty to resign? No. The propriety of resignation depends upon a combination of circumstances. But I ask the noble lord, of what avail are his precedents, with reference to himself? He cannot deny that there may be circumstances in which it may be proper for a ministry to resign, on being defeated on their own legislative acts. [Lord John Russell: Hear, hear!] The noble lord recollects the Jamaica case now. For there was a case where the government was not defeated—where the government had a majority of five, and yet they considered their

victory so indicative of the want of confidence on the part of the House of Commons, that they resigned. I ask, then, is this a fair proceeding, that the government shall have the power of selecting any legislative measure, on the rejection of which it may resign and abdicate its functions; but that the House of Commons shall have no power of deciding, under other circumstances, what shall be the duty of that government in respect to resignation? Is it fair, that the government shall take the particular measure on which it may be convenient for them to resign; but that the right shall be denied to the House of Commons of determining whether the rejection of other measures constitutes a case on which the resignation of the government ought to take place? Why, Sir, the very admissions of the right hon. gentleman, the Secretary at War, are sufficient to justify the House in demanding a resignation. Did I not hear that right hon. gentleman say, not only that the government had not the power to carry the alteration of the Corn-laws, but that they proposed that measure without the expectation of carrying it? Has the right hon. gentleman a right to say, that I confine the government to a single case—to the Irish bill, or to the Sugar Duties bill—when he himself has told us, that he did not expect success when it was proposed to agitate the House and the country upon the subject of the Corn-laws? Again, did he not say, that his government had been subjected, by parliamentary defeats, to a series of humiliations, to which nothing could reconcile them but an overwhelming sense of public duty? What did the noble lord, the Secretary for Ireland, tell me two years since? After summoning up all his energies, that noble lord made the frightful announcement, that the government had at length determined to exist no longer on sufferance. Yes, the noble lord, stung by a sense of that humiliation to which the right hon. gentleman has referred, two years ago, told us, that their situation was intolerable, and that the government had at last determined that they would exist no longer upon sufferance—but you have had some humiliation since—[Cheers]—and you

“ Still have borne it with a patient shrug;  
For sufferance is the badge of all your tribe.”

Therefore, don't tell me that this resolution has reference to a single defeat—that it is to constitute a rule to future governments—that you are to suppose the politicians of future times will take the dry bones of this resolution, and say, “Here is a precedent which is to govern posterity!” No: they will look at your long series of defeats—at your inability to carry the measures which you have proposed—at your own admission that your situation is become intolerable; and the construction which they will put upon the resolution will bear reference to your own measures, your own acts, and your own confessions. The noble lord (Lord John Russell) has argued, at the close of this debate, as if the government has the confidence of the House of Commons. Yet almost all his colleagues who have preceded him have admitted that, at length the time was come when the want of confidence was sufficiently manifest, and that it was impossible that they could retain power with the existing House of Commons. All his colleagues who preceded the noble lord have admitted that. They admitted that the government had but two alternatives—resignation, or the dissolution of parliament. Now, under what circumstances did I give notice of this resolution—this unconstitutional resolution—the facts contained in which, and the inference drawn from those facts, being both denied?—although, notwithstanding that denial, I have got this important admission, that, after the defeat upon the Sugar Duties, following other defeats, the government are at length placed in a situation in which they have no alternative but resignation, or dissolution. I have that admission from the whole of them. After this, all your doctrine about retaining office notwithstanding legislative defeats, is at an end. And, Sir, in passing, I must refer to that doctrine. The doctrine of the right hon. gentleman, the Secretary at War, is this,—that it is the duty of the government to administer certain executive functions; and that that government may submit to legislative defeats, may survive those defeats, and be indifferent to them. So unconstitutional, so dangerous a doctrine I never heard maintained. A doctrine so discouraging to public men, so fatal to the energies of a government, I never before heard advanced; and it rather convinces me that the resolution I have proposed is not quite so unconstitutional, is

not quite so open to objection, as hon. gentlemen opposite assert it to be, when I find that high and learned authorities are obliged to resort to such unconstitutional grounds for the purpose of opposing it. Why, can any man survey the course of government in this country, and not see that acts of legislation are so interwoven with acts of administration, as to render it utterly impossible to draw a line of distinction between them? Nay, I go further, and say, that the character of an administration, that their claim upon public confidence, is infinitely stronger on account of their legislative measures, than on account of their administrative acts. If mere departmental administration, not liable to question, is a sufficient ground for a government to retain office, and to be regardless of legislative defeats, it is pretty clear that there need be no union or concert among ministers. I dare say, in ordinary times, when questions of peace or war are not in agitation, it may be tolerably easy to fill the departments of office with honest, respectable, and sufficiently competent men, who, each in his department, would be able to conduct the duties devolving on him, in such a manner as not to be much liable to question by the House of Commons. And no matter what opinions such men may entertain upon the legislative policy of the country; they may either avoid legislation altogether, or take the safer course—propose measures, and being defeated, fall back upon their acts of administration. But I say, survey the course of the legislative and executive administration of this country, and look at the great measures which the government have had to consider of late years, and see whether the character and vigour of a government do not depend upon its legislative more than upon its executive administration. Take the measures which the noble lord has referred to, with so much pride and satisfaction. Take the removal of the Roman Catholic disabilities, as affecting Ireland. Take the repeal of the Test and Corporation acts, as affecting this country. Take the Reform of Parliament—take the Poor-law bill—take the Municipal bill—take the proposition for the repeal or alteration of the Corn-laws;—are not these the great questions by which the character of administrations has been judged and determined? And is it possible to contend, in a reformed parliament, with these great measures in our view, that a government can be safely indifferent to the success or failure of its legislative acts? See what the inevitable consequence would be if such a doctrine were to prevail. See what an inducement would be given, both to the Crown and to the House of Commons, to depart from the sphere of their proper respective functions. The Crown would—or might—be constantly attempting to place the House of Commons in the wrong, by proposing popular legislative measures, and throwing upon the House of Commons the odium of rejecting them. The Crown might constantly labour to place the House of Commons in opposition to the constituent body, and to lower the character of the House of Commons, by inducing it to reject popular measures purposely proposed with that view. If the doctrine of the right hon. gentleman were to prevail, all that the Crown would have to do, in order to stop the useful functions of the House of Commons, would be to say—“Legislative measures are matters of indifference; the government I have chosen shall remain in office in spite of the rejection of the measures they have proposed; and we, the Crown and the government, shall have credit with the country for propounding popular measures, which you, the House of Commons, have rejected.” Such would be the effect as regarded the Crown. Then see what an inducement you would give to the House of Commons to step beyond its functions, and thwart the executive. If the government say, “We are independent of the legislative measures and decisions of this House: that which is your peculiar function we will disregard; our fate shall not depend upon your decisions; nothing but your interference with our executive administration shall influence our retention of power;”—what an inducement do you not hold out to the House of Commons to interfere with the prerogatives of the Crown? The House of Commons, then, knowing that the only way in which it could influence the fate of the government must be by interfering with its administrative functions, would press for the production of despatches, the production of which, possibly, might be injurious to the public service, or would protest against appointments made by the Crown. In short, knowing that, by the exercise of its ordinary legislative control, it could not affect the government, the doctrine of the right hon. gentleman would present to the House

of Commons the greatest inducement to depart from its proper sphere, and to interfere with the most important functions of the executive.

The hon. member for Lambeth says, that history is to constitute no precedent for us now; that, in consequence of the passing of the Reform Bill, he is indifferent to all precedents of former times. I should have thought, that an advocate of the Reform Bill would have contended that the House of Commons, being now a more exact image of the popular mind, should exercise a greater influence over the government than an unreformed parliament had ever done. But, for the hon. gentleman to contend that a government may be independent of parliament, and that parliament is to exercise no influence because it is reformed, is a doctrine I never conceived would have been advanced by any man professing himself to be a reformer. But these are the shifts to which you are driven. You seek some plausible objection to my resolution; and you are obliged to abandon every constitutional principle for which you have hitherto struggled, in order to show me that that resolution is at variance with the spirit of the constitution. The noble lord affected to be surprised that the vice-president of the Pitt club, and a professed admirer of Mr. Fox, had come forward to advocate the motion before the House, because, as he asserted, both Mr. Pitt and Mr. Fox repudiated the doctrine laid down in the resolution. I read some extracts, the other night, from a speech of Mr. Fox, and I showed that Mr. Fox recognised the principle, that the confidence of the House of Commons is necessary to enable a minister of the Crown to carry on the government of the country.

Lord John Russell.—Nobody denies it.

Sir Robert Peel.—But the noble lord read an extract from a speech made by the same statesman, which he seemed to think countenanced another principle. Out of the same volume—nay, out of the same page—I will produce an authority from each of those great men, to show that my view of the question was in their estimation, the correct one. Mr. Fox said, upon this subject, that—"He wished to conceal nothing. He had a suspicion that Mr. Pitt had an opinion, that the Crown might appoint a minister, and persist in supporting him, who had not the confidence of the House of Commons. He wished the suspicion might be ill-founded, but he dreaded it to be true."

Those were the words of Mr. Fox. Mr. Pitt's opinion was to this effect:—"He would, however, admit, that the confidence of the House of Commons was necessary to an administration, and he would be the last man to oppose that doctrine."

These were the opinions of Mr. Pitt and of Mr. Fox upon this subject. If, then, I have—as I have—the admission of her Majesty's ministers, that they have so far lost the confidence of the House of Commons, that they ought either to resign or to dissolve—if they thus admit the truth of my first proposition; on what ground, I ask, do they object to the second proposition,—namely, that a ministry who have lost the confidence of the House of Commons ought not to continue in office?

I have already inquired on what ground it was that I gave notice of this resolution? These were the circumstances:—On Tuesday, the 18th of May, the noble lord was defeated by a majority of 36. The noble lord then proposed an adjournment to Thursday, the 20th of May, in order that the government might calmly review their position, and decide on the course they meant to pursue. The universal impression was, that her Majesty's government intended to resign. The noble lord has admitted, that that was a subject of grave deliberation. My first proposition, then, cannot be so utterly remote from the truth. On Thursday, the 20th of May, the Chancellor of the Exchequer quietly moved that the House should, on the Monday following, vote the existing sugar duties for the year. This was the whole of the information which was then conveyed to us. A question was afterwards put to the noble lord, as to when it was that he intended to bring forward the Corn-laws? The answer of the noble lord was, that he intended to bring forward his motion on that subject, on Friday, the 4th of June. Such being the answer given by the noble lord on the 20th of May, what right had I to infer that the government meditated a dissolution? From what circumstance could I suppose that her Majesty's government—notwithstanding our having had the formal assurance of the noble lord the Secretary for Ireland, that a state of suffering was no longer to be borne—that they would no longer exist upon suffering? From what circumstance could I infer that her Majesty's government did not intend to pursue the usual course, and con-

duct the business of parliament to the end of the session in the ordinary way? Under circumstances so peculiar, I also took time to deliberate on the course I should pursue; and having no reason to suppose that the government meditated an immediate dissolution, and at the same time thinking that it was a violation of the principle of the constitution,—that it was not doing homage to the representative principle,—after the long succession of defeats which they had experienced, that her Majesty's ministers should remain in office, and continue to conduct the ordinary business of the country,—I determined to give the noble lord every advantage which a direct, intelligible, and straightforward course could afford him; and, on the Monday, I gave notice that, on the earliest opportunity, I should move a resolution that her Majesty's government had not the confidence of this House, and that their continuance in power was at variance with the spirit of the constitution. And it was then, and not till then, that the fact was elicited from the noble lord that it was in the contemplation of her Majesty's ministers to dissolve the parliament. Up to that period not a word had fallen from the noble lord, not only which pledged the government to a dissolution, but which even indicated any intention on their part to dissolve. But after I had given my notice,—about ten minutes after,—the noble lord got up and said, that her Majesty's government did not intend going on with the Poor-law bill in the present session, on account of the temptation which it might offer to members to make speeches intended for the hustings, and with a view to recommend themselves to their constituents, rather than for the purpose of influencing the deliberative judgment of parliament. It thus appeared that the noble lord preferred the alternative of a dissolution, which he admitted to be inevitable, if he should relinquish the other alternative,—that of resignation. But it was then, for the first time, that the noble lord gave any intimation of his intention to adopt that alternative. If, therefore, my motion has done nothing else than thus to force her Majesty's government to determine which of the alternatives it would adopt, still it has done good; because it has, at any rate, gained this admission from the government,—that for them to retain the power of governing and conducting the affairs of this country, under the circumstances in which they are placed, without either resigning or dissolving, would be at variance with the spirit of the constitution. But does the mode of their dissolution reconcile me to the act? Not at all. I do say that, having made their election, it was the duty of the government—not, certainly, to dissolve without passing the annual Sugar bill, (and with respect to that no obstruction would have been offered to them)—but having adopted the alternative of dissolution, and not of resignation, it was, I say, the duty of the government to resort to a dissolution at the earliest possible moment.

It is inconsistent with all usage, and inconsistent with the spirit of the constitution, that a government should be enabled to select the measures which it thinks proper to submit to the consideration of a condemned parliament,—that it should withdraw some, and submit others,—that it should tell the parliament—“An immediate dissolution is in contemplation; but, before we dissolve, we will just bring forward those measures, the rejection of which we think most likely to damage the House of Commons in the eyes of their constituents;—we will propose popular votes, such, for example, as one of an advance of money for the construction of railways in Ireland;—we will bring forward particular measures, which, we are of opinion, may aid the party cause of our administration;—but, respecting every measure which we have hitherto described as essential to the welfare of the country,—measures, the principle of which has been affirmed by large majorities in parliament, but the further discussion of which may prejudice our cause at the hustings,—respecting these, we will exercise our own discretion as to whether they shall be brought forward or withheld.” Now, although the hon. member for Lambeth will, doubtless, utterly disregard the circumstance, yet I do affirm that there is no precedent for any government to adopt such a course as this. When Mr. Pitt got the Mutiny bill, after some slight obstruction experienced from Mr. Fox, that moment he dissolved the parliament. Lord Grey, I apprehend, took the earliest opportunity of dissolving in 1831. But, whether there be any precedent or not, I say it is unconstitutional, and contrary to Whig principles, to condemn a House of Commons, and then to exercise your own discretion, for party purposes, as to what measures you will bring forward, or what you will withhold.



Nothing has surprised me more than the desperate fidelity with which a Whig ministry seem to cling to the opinions of Mr. Pitt, while the opinions of Mr. Fox upon the subject they utterly despair of, if not despise. But they have got the precedent of 1784, and they bring it forward on all occasions as a justification for the course they are pursuing. With all personal respect for them, I must say that it does appear rather ludicrous to see them stretching forward with so much eagerness, in order to place their feet in the gigantic footsteps of Mr. Pitt. First, there is the right hon. gentleman the Secretary at War; then, the right hon. member the President of the Board of Control; and, lastly, comes the noble lord himself,—each trying to plant his shoes in the footsteps of Mr. Pitt. It is only under the refuge of the mantle of Mr. Pitt that they can seek safety. They seem to exclaim with Trinculo in the play—"Alas! the storm is coming, and I have no retreat except under his gabardine;" and it is under the gabardine of Mr. Pitt that they seek shelter. But the moment they depart from that gabardine,—the moment they thrust their head from beneath it,—that moment they utter some unconstitutional doctrine;—such as declaring that there is a clear distinction between the administrative and legislative functions of a government.

I think I have shown that the two propositions contained in my resolution are true:—first, that the government, by their own admission, have not the confidence of the House of Commons; and, secondly, that it is in conformity with all constitutional principle and precedent, that a ministry, not having the confidence of the House of Commons, should relinquish office. I admit that, if there be a clear intention forthwith to dissolve the parliament, that may be a vindication of the government; but I contend that a dissolution ought to be immediate. The House of Commons has no other mode of marking its sense of the unconstitutional tenure of power, than by passing some such resolution as that which I have submitted to the House, and which I most properly submitted to its decision, because I could not know, and did not know, the intentions of her Majesty's government with respect to a dissolution. If any thing could more than another thoroughly convince me of the wrong position of her Majesty's government,—I must say, the humiliating position, on account of their tenure of power, in defiance of all constitutional principles,—it is the appeals which have been made, throughout this debate, to an individual member of parliament like myself. I will notice, first, the unjust imputations that have been thrown upon me by some of the right hon. gentlemen opposite; and, I must say, I was surprised at the speech of the right hon. gentleman the Vice-president of the Board of Trade. He said that he claimed for himself the most perfect freedom of speech; and he also said, with truth, that, in his parliamentary conflicts with me, he had maintained all due courtesy; but he contended that that courtesy was perfectly consistent with the utmost latitude of speech, and with the freest criticism on the conduct of men holding a public character. I perfectly admit all this. No one more readily admits the right of any man to criticise, in the strongest terms, the public conduct of any member of parliament, whether in an official or in a private capacity; and I believe it is perfectly in the power of any hon. member to reconcile the exercise of that right with all the courtesy which ought to preside over the debates in an assembly of gentlemen. I do not ask for courtesy from the right hon. gentleman; but I do ask for justice. And I ask whether the charge he has made against me is just? He said he would review my proceedings as a minister; and he charged me with having excited religious animosities in the election of 1835.

Mr. Sheil.—No! I did not charge you with it. I said quite the contrary.

Sir Robert Peel.—Why, then, when speaking of my acts, as a minister—why, with reference to my administration, did you dig out of this forgotten appendix to the report of the Orange lodge committee, a report of the proceedings of some Orange lodge, if it were not for the purpose of having it presumed that I had encouraged the animosities and the feuds to which the Orange lodges had given rise? The right hon. gentleman read an extract from some grand Orange lodge report, in which it was stated that there were, in the various parts of Ireland, 3000 Orange lodges. On looking at the report, I find it is dated the 12th of November, 1834; at which time I was at Geneva, on my way to England. Why did you make me responsible for those proceedings? Would it not have been more just and fair to

look, not at what the records of an Orange lodge might state, but at what were the opinions I had expressed, and at what was the course I had taken, when the proposal was made to address the Crown respecting Orange lodges? It was not fair, on the part of the right hon. gentleman, to bring such a charge against me. I do not deserve it from persons of his religious faith, that such unjust imputations should be thrown upon me, for the purpose of creating an excitement in Ireland, and of propagating the belief that it is my wish that that country should be governed through the influence of religious party feeling. Why, if, at that election of 1835, I had encouraged religious animosities, I suppose I should have incurred some obligations to Orangemen; and when, in 1836, a proposal was made to address the Crown to discourage Orange lodges, and those who should belong to them, I presume that that might have been the occasion—I being in opposition at the time, and therefore under no obligation to take any particular part—when I ought to have given my support to my friends on this side of the House, many of whom entertained strong opinions upon the protestant side of the question. But what was the course I took on that occasion? The House will permit me to refer to the debates on that question—a reference which the right hon. gentleman himself ought to have made, if he really wished to know what were my public declarations, and my sentiments on the subject, instead of referring to the acts of some individual Orange lodge, for which it is impossible I could be responsible. In 1836, these were the opinions I delivered. (I beg pardon for trespassing on the indulgence of the House; but it is necessary I should do so, for my own vindication; for did not the right hon. gentleman refer to the appointment of Lord Roden,—and was it not the whole intention of his speech to show that, in 1835, I had a design to encourage Orange lodge associations, to promote party spirit, and foment religious animosities in Ireland?) This, then, was the opinion which I delivered:—"I am deeply impressed with the conviction, that it would tend to the welfare of Ireland to see the extinction of all secret associations." Let me observe, I was not in power at the time. I was expressing my own sincere opinion—an opinion upon which I acted; and I was risking some parliamentary disapprobation by expressing it. I went on to say, that, however laudable might be their intentions, however sincere their professions of loyalty, I still thought that the existence of societies having secret signs, was a bad precedent for other organised bodies; and that, therefore, I wished, not only to see the Orange lodges suppressed, but the angry spirit which had so long distracted Ireland extinguished; without which there was very little to be gained by the mere suppression of external forms. I did every thing I could for the purpose of procuring the abandonment of those Orange societies. The right hon. gentleman may think what he will, but I venture to say, that no man has given advice which has been more effectual. It was strictly attended to, and has been most honourably acted upon. Those to whom it was given have strictly kept the promises which were then made. I thank them for it; but I think it rather hard, after the course which they and I have taken, that we should be now taunted with a desire to provoke religious animosity in Ireland.

The hon. gentleman the member for Lambeth said, that he supposed I had brought forward this motion in consequence of finding a clamour against the Poor-law prevail; and another hon. gentleman, the member for Lincolnshire, asked me what my opinions were with respect to the charter? He said that I had stated my opinions with respect to the ballot, and with respect to the franchise, but that I had not yet given my opinion with respect to the charter, and that that was one of the grounds on which the hon. gentleman withheld his confidence from me. May I ask the hon. gentleman whether the doubt he would imply by that statement is an honest doubt? Whether he considers that the course I took the other night, with respect to the release of political prisoners, was such as to justify him in supposing that I have done any thing to court the Chartists? Whether, in fact, that is really one of the grounds on which he withholds his confidence from me? Whether, although I have declared my opinion upon the subjects of the ballot and the franchise, he yet really entertains a doubt as to whether or not I have some secret understanding with respect to the objects of the charter? Then, again, with regard to the course which I would pursue: charges and conjectures, of the most inconsistent nature, have been indulged in by hon. gentlemen

on this point. At one time your charge is, that I am clearly the advocate of all monopolies; that, when you inquire into my political life, you find such has been my opposition to all popular rights, such my resistance to every species of reform, that no man, looking at the course I have hitherto pursued, can entertain the slightest doubt as to the course which I must henceforth pursue should I attain to power; and that, upon that ground, you withhold your confidence from me. At another time the charge is, that I have withheld or concealed my opinions on every point; that I have reserved to myself such a latitude of action upon all subjects, political, commercial, and financial, that there is no one of them upon which I am not perfectly at liberty to act according to that course which I may conceive to be conducive to the advancement of my party interests. How is it possible for me to reconcile these contradictory charges? I believe, however, upon the whole, that my political principles are pretty well known. I think the course I have pursued is tolerably clear; and that those hon. gentlemen who believe that I am not prepared, for the purpose of acquiring popular favour, to introduce into the working of the British constitution so much of democracy as shall disturb the other elements of which it consists, place the proper construction on my sentiments. Then, you say, "Tell us your details." I ask, whether a more absurd or preposterous demand could be made? Take the Corn-laws. I should like to know who has stood forward more than I have done in defence of the existing Corn-laws? I should like to know whether any man, looking at these debates, can really have a doubt that my desire is to maintain a just and adequate protection to the agricultural interest? Have I not contended for this, while I admitted, and I always will admit, that there may be some details of the present law which require alteration? You want me to pursue the course which you are yourselves pursuing. You wish me to call a public meeting, and to move some resolution, to the effect that no adjustment of this question can ever be satisfactorily arrived at—that no settlement can be effected—unless we pledge ourselves irrevocably to adhere to the present law in all its minutest particulars. If I had done this, would not the charge have been preferred, that, for the purpose of obtaining a party triumph, I had tried to create a division between the agricultural and the commercial interests; and that, for the purpose of procuring agricultural support, and of getting the votes of the hon. gentleman the member for Lincolnshire and of his noble colleague, I had irrevocably pledged the House to the maintenance of every thing in its present state.

But the hon. gentleman the member for Lincolnshire has a new doctrine. He says that I owe him some gratitude for his vote on the sugar duties. Gratitude! I owe the hon. gentleman no gratitude for his vote. What! gratitude from one member of the House to another on account of a vote upon a question involving the interests of large classes of the community! The hon. member considers I am guilty of ingratitude, because I move a resolution of a want of confidence in her Majesty's ministers, which has placed him in a difficult position with respect to his vote. The hon. gentleman thinks that this resolution is some trap, or rather some immense pitfall, laid especially for him—that it has been moved for the purpose of involving him in some difficulty. I must say, that the hon. gentleman somewhat overrates the authority and importance that are attached to the vote he may give on this occasion. Let the hon. gentleman take his own course. One would really suppose that the hon. gentleman had lapped the milk of Whiggism from his earliest years. And then, when the hon. gentleman made that touching appeal about Ireland, I could not help asking, what used to be his sentiments respecting that country? I rather believe I lost the confidence of the hon. gentleman by proposing the bill for Roman Catholic emancipation. I think that, when he was in parliament, in the year 1820, he voted, as I did, against the repeal of Roman Catholic disabilities. The hon. gentleman should have recollected this before he asked me what would be the opinion which I should have of him if he were to write himself down a "recreant Tory?"

And now, with respect to the Corn-law. As I said before, look at the course which I have hitherto uniformly pursued with respect to that important law. I cannot say that the hon. gentleman opposite has put any wrong construction upon my intention. I have always contended that the two great interests of this country—the manufacturing and the agricultural—have a close and reciprocal relation and influence to and upon each other. It is impossible to say what must be the influence

of such a town as Liverpool upon the rents of the land in its neighbourhood; or what the effect of such a town as Manchester or Birmingham upon the interest and prosperity of the agriculturists residing in those districts. It is still more impossible to close one's eyes, and not to feel that the prosperity of our manufactures is one main source of agricultural prosperity. I attach all due importance to the manufacturing interest; but I do not wish to appear as the partisan of one interest or the other. While, therefore, I admit the important influence which the manufactures of the country have upon the agricultural interest, I, on the other hand, maintain, that agricultural prosperity is essential to the prosperity of our manufactures. If one should fail, there would not be merely a cessation of demand for the produce of the other, but, that failing interest being no longer able to discharge the burdens imposed upon it, those burdens would inevitably be transferred to the other. It is said that I reserve to myself the details of any measure which I would support relating to the importation of corn. I do so; and why? Because I am constantly receiving, from the best friends of the agricultural interest, communications as to the improvements that may be made in those details. If I were to say "I will support a Corn-law against a fixed duty," and made no reservation as to details; why, such is the manner in which you fasten me down to every expression I make, that do I not know you would at once turn round upon me, and say that I had incurred some positive obligations of honour to stand by every detail and every letter of the present Corn-law; and that the question was, not as to the maintaining the principle of a graduated duty, but that the question was as to maintaining, permanently and unalterably, every detail of the existing Corn-law; nay, that I was not at liberty to correct the admitted abuses of the present system; that I was not at liberty to prevent any sudden in-pouring of foreign corn arising from the objectionable mode of taking the averages. I know, if I had made some such declaration as that, I should have been told that I had committed myself, not only to the principle, but to the very letter, of the existing law, and that I was precluded from making any alteration whatever in its details. The hon. gentleman has asked me—and he has a right to ask me—whether or not I intend to maintain the present protection for agriculture? I know what he means. He would require me to pledge myself to some specific details. That was his object when he asked me what were my intentions upon the subject of the Corn-law? I will not give a specific answer. I state as much as any man can expect or reasonably require from an individual member of this House. What I say is, that I prefer the principle of a graduated duty to a fixed duty, and that I think protection to agriculture perfectly consistent with manufacturing prosperity. I do not attribute the present distress of the manufacturing interest to the protection which is given to the agricultural interest. It is you that have attempted to show that—I have not. At the same time I will not bind myself irrevocably against any improvement in the details of the existing law. Supposing I undertook to give an answer on the details, how should I act? "Tell me the pivot," says the hon. gentleman. Why, was there ever any thing so preposterous? If, indeed, I had followed the precedent that has been set me, I might well have adventured to enter upon details; and if, after having given them, I should have altered them, we will say in the proportion of 5 to 8, no doubt I should have credit for it to-morrow. Why, here is a government that had ten months to consider the question on which they wished to legislate, and that was no less a question than one concerning the franchise in Ireland—a government that came forward with a declaration of details, and yet who, as an immediate preliminary to the introduction of their bill, altered those details in the proportion of from 5 to 8. And this is the government which thinks it decent to call upon me to commit myself to details! Supposing I had given details, and supposing that, afterwards, just before the discussion in parliament, I, for the purpose of conciliating the votes of two or three agricultural friends,—or four or five at the most,—without any public objection or discussion, had altered those details,—I know what imputations I should have been liable to. But these "chartered libertines"—they may alter their details at pleasure;—they, the government—with full opportunity of considering their measure before propounding it! But every sort of imputation is to be thrown upon me, because I content myself with stating the general principles that would guide my conduct; and refuse, not being in office, to say what is the system of

taxation I would propose, or what are the details of a bill on the importation of corn which I would support. Yes: here is a government who alter the details of one of their own most important measures from a £5 to an £8 franchise, with no other reason than to conciliate two or three votes, charging me with the concealment of my intentions because I do not bring forward details!

Now, allow me to ask the question, why were not these three great subjects—corn, sugar, and timber—brought forward at an earlier period of the session? What pretence is there for not having named any one of them in the speech from the throne? If you *bonâ fide* intended to bring them under discussion, why, I ask, did you not mention them in the Queen's speech? Is this the reason—that it is contrary to all precedent to refer to the details of measures until you are prepared to introduce them—that it has only a tendency to agitate the public mind, to disturb commercial enterprise, to divert the application of capital, and induce precipitate speculations? If these were your reasons, upon what principle do you demand of me, an individual member of parliament, without the responsibility of office, to make a declaration of my opinions as to details of such measures as these? You say that the sugar and the timber duties formed part of the budget; but the Corn-laws formed no part of the budget. That might have been mentioned in the speech from the throne, and the attention of parliament might have been called to it at an earlier period. Nor was there any reason why the timber duties should not have been mentioned in the Queen's speech. There is a strong suspicion abroad that you had two budgets—one for fair weather and the other for foul; and it was not until foul weather had overtaken you that you produced your present plan. To have prevented such an impression being formed, you should have alluded to these important questions in the speech from the throne at the commencement of the present session. You describe these measures as involving important considerations, as affecting the prosperity of the country; and you say that the principles which you now avow are the principles which must be ultimately adopted. Why, then, in justice to those principles, did you not urge them at an earlier period? What was the course you took with respect to the import duties committee? Your measures are founded upon the report of that committee. But was that committee moved for by her Majesty's government? Were the members of her Majesty's government aware of the intentions of those by whom that committee was appointed? Did any one cabinet minister attend that committee? Was any one question asked, by any member of her Majesty's government, of a single witness examined before that committee? Did the right hon. gentleman the President of the Board of Trade attend the sittings of the import duties committee? No, not one day. And yet the report contains all that relates to the practical application of those great principles which her Majesty's ministers now propound. Surely you must have been aware of the pressure of your finances as far back as from the middle of last year, at least; and yet so little were you convinced of the soundness of these principles, which you now affirm to be necessary to the salvation of the country, that you permitted the import duties committee to be appointed, without knowing well what its object was, and without thinking it necessary for any member of the government to attend upon it. If you thought it desirable to affirm the principles mentioned in the report of that committee, why did you not make that announcement from the throne? Or, if you thought that further inquiry was necessary, and additional evidence was required, why did you not, at an earlier period of the session, move that that committee be re-appointed? You did neither the one nor the other; nor did you take any step till the month of May; and then you introduced, in a time of pressing political necessity, three great measures, founded upon the evidence, and exclusively upon the evidence, taken by that committee. It is this which compels me to say that the manner in which you have brought forward these great questions is one by which you neither do justice to yourselves as a government, nor to the importance of the measures you propound. And again I say, if these principles are so excellent—if these measures, founded upon them, are so absolutely necessary for the salvation of the country,—is it not most unfortunate that you should have incumbered them with your help, not on account of your actions as ministers, but on account of your position as the executive government? There is, depend upon it, a prevalent feeling in the country, that these measures could not have been passed in the manner in which they were propounded.

Your object being to remove the commercial distress, and relieve the financial embarrassment of this country, to restore confidence, and to find means of profitably employing capital, I must say that you are striking the severest blow conceivable against the industry of the country, by leaving these three great questions in doubt for an indefinite period; by setting party against party upon such a question as that of the Corn-laws; by stirring up society to its foundation; and by arraying against each other, in bitter discord, classes of the community whose harmony is essential to their own welfare, as well as to the happiness and safety of the state. You are now about to dissolve parliament upon the cry of "cheap bread." You promise the substitution of a fixed duty for the present fluctuating one. My firm belief is, that a fixed duty will give no effectual protection to the agriculture of Ireland, or of many parts of this country. What the effect of it may be is entirely doubtful. I believe it to be fraught with the most serious consequences. I do not believe that you can paralyze agricultural prosperity, by a fixed duty of 1s. a bushel upon corn, without seriously affecting other interests connected with agriculture. But my firm belief is, that the course which you have taken, the appeals which you have made, the mode in which you have conducted this question, and the excitements to agitation which have been created through that mode of its introduction, will make it, when the time of difficulty shall come, impossible for you to resist the application of the same appeals, and to maintain that duty which you now state to be fixed and immutable. This is my firm conviction; and I now take my leave of the discussion of this question, and place it in the hands of the House, content, whatever may be the issue, with the course which I have pursued,—which has been less with a view to any party advantage than to the vindication of the just authority of the House of Commons, and to uphold the great principles of the constitution. Many may think that it would have been much better to have permitted you to go on with the discussion of the Corn-laws, and to have had three successive debates, and three successive minorities, each decreasing in numbers. That might have been a better and more political course, in respect to party. I know the advantages which I give you by bringing forward this motion. I am content to give you those advantages, because I think I should have been abandoning my duty, after the declaration you made, of its being your intention to continue in the ordinary performance of your official functions, notwithstanding the defeats you had met with, if I had acquiesced in that principle, and had not asked the House of Commons, by some distinct declaration, to affirm or to deny the proposition—that you do not possess the confidence of the House, and that your retention of power, under such circumstances, is at variance with the spirit of the constitution.

The House divided:—Ayes, 312; Noes, 311; majority, 1.

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## MINISTERIAL STATEMENT.—SUPPLY.

JUNE 7, 1841.

Lord John Russell at the conclusion of a short explanatory speech, in reference to the position of the government, and to the anticipated alterations in the Corn-laws, moved the Order of the Day for the House going into Committee of Supply.

SIR ROBERT PEEL:—Sir, I shall, as nearly as possible, confine myself to the topics touched upon by the noble lord; and I hope I shall express my sentiments upon them as candidly as he has done. I will, first, refer to the charge which the noble lord complains that I made against the government at the conclusion of my reply the other night, that the budget had been framed with a view to particular purposes, and not to the real state of the finances of the country. I can assure the noble lord that nothing was further from my intention, or could be more repugnant to my feelings, than to take any advantage of an opportunity to make a charge against the government where no reply could be given; and to prove this, when I heard the boasts of the government the other night, of the great and triumphant success of their foreign policy, although I felt that I could have made some abatement of those triumphs in my reply, I refrained from any allusion to that topic, because I knew that the noble lord the Secretary for Foreign Affairs could have no

opportunity of reply. So much, then, for any wish on my part to take any advantage of the noble lord. I certainly did state, with reference to the budget, that there was an impression very generally entertained that the measures which the noble lord proposed would not have been brought forward if the government had not been unsuccessful upon other questions. But the noble lord says, now, that this impression was a wrong one; and in that declaration of the noble lord I am bound to confide, and I do place in it implicit confidence. But, after all, I will observe, that if those measures were deemed by the government to be measures of importance as regarded the finances and commerce of the country, they ought to have been brought forward at a much earlier period of the session, and to be introduced to parliament in the speech from the throne. There was also another course which I think the government ought to have pursued with respect to those important measures, when they had determined to submit them to parliament; that was, to renew the import duties committee. I before stated, that not one member of the government had attended on that committee; and I therefore think that it would have been better had the committee been re-appointed before those measures were submitted to the House. I cannot see that it was at all necessary to wait for the usual time for bringing forward the budget in order to introduce those measures. They might have, at least, been proposed a month earlier.

Now, with respect to the Corn-laws, the noble lord had one of two courses only to pursue upon that subject. Those two courses were, either to press the immediate consideration of the subject upon the House, or to abstain from touching upon it altogether. I shall not say which of these two courses it would have been better for the noble lord to adopt; but I will say that I think it hardly fair in the noble lord to give us, this evening, the main heads of the arguments he would have made use of had the question come properly before the House. The noble lord has told us four of the principal arguments he would have used on such an occasion; but into those arguments I cannot follow the noble lord, to state the totally different views I take of the question, without provoking a very inconvenient discussion, which, under present circumstances, I think it much better to avoid. I will therefore leave the noble lord in the full possession of all the advantage he can derive from the course he has pursued, although I do not think that that advantage has been very fairly taken.

The only other point to which the noble lord referred was the question of supply. The noble lord says that it is the intention of the government to appeal to the sense of the country by calling a new parliament. Upon this point I shall express no opinion, but leave to the noble lord all the responsibility of the advice he has given to the Crown upon this subject. I did understand the noble lord to give notice, on Friday night, that he would prepare a vote of supply, but only such of the miscellaneous estimates as it was his duty at once to propose, because, if these were not granted at the present moment, their further delay would cause great inconvenience to the public service. Now, while I am not prepared to make any objection to this proposition of the noble lord, or to throw any obstruction in the way of the vote, my opinion is,—leaving to her Majesty's ministers all the responsibility of the dissolution of parliament,—that that measure ought to be executed with the least possible delay. I say, that in a parliament whose days are registered—the fate of which is determined—it is not correct to propose any measure not imperatively called for by the circumstances of the country. I mean no asperity; but I do say, also, that the vote of Friday night is an additional reason why this should not be done, but that reference should at once be made to the sense of the country. When, on Friday night, the noble lord announced his intention of proposing the estimates immediately necessary for the public service, I had made up my mind not to make any objection to such a course; but the present proposition of the Chancellor of the Exchequer is quite a different thing. He proposes to take a vote of credit for six months. I shall not state what my opinion is as to the advice which the government have given to the Crown, or their duty in that respect, as to dissolving the present parliament; but, the government having given such advice to the Crown, I shall not oppose the sugar bill, which I know is a necessary measure to be passed; and I took the same view of the estimates to which I supposed the noble lord referred in his notice of Friday night; but I was not prepared to expect that any more extensive measure would be proposed. My opinion is, that the Crown having been advised to dissolve

the parliament, it is not only necessary that that dissolution should take place as soon as possible, but also that the new parliament should be called together with the least possible delay. For many reasons I consider it of great importance that the new parliament should be convoked at an early period. It is necessary, not only to quiet the public mind, but to prevent advantage being improperly taken in commercial speculations arising from the doubtful state of the law; and I consider it still as much called for by the position in which the executive government of the country at this moment stands before the people. I therefore say that the new parliament should be convoked with as little delay as may be; and this practice is in strict accordance with past precedents and the analogy of former similar occasions. In 1784, when Mr. Pitt dissolved the parliament, the succeeding parliament was immediately called together. Such also, was the case after the dissolution in 1817; and Lord Grey, after the dissolution in 1831, pursued the same course, and convoked the new parliament immediately. These three cases are exactly analogous; and therefore the House has a right to expect that the noble lord will call the new parliament together at as early a period as possible. If the noble lord will declare his intention to advise the Crown to pursue this course, that declaration of the noble lord will be quite satisfactory to me. I consider the declaration of the leader of her Majesty's government so sufficient that I shall implicitly rely upon it. I say that, if the noble lord pursues former precedents, he can have no hesitation in the course he ought to follow; and if he act upon those precedents, notwithstanding the notice of the Chancellor of the Exchequer, I shall make no objection to the propositions intended to be submitted to the House by the government. The noble lord can have no constitutional objection to giving to the House the assurance which I ask, because for such a course, also, there are several precedents. In 1807, the Crown intimated the intention of calling the new parliament speedily together, by his Majesty, in his speech from the throne, expressing the hope that the attention of the new parliament, which he should direct forthwith to be convoked, would be directed to certain measures. In 1820, "His Majesty also, in his speech from the throne, informed the House that it was his intention to call the new parliament without delay." In Lord Grey's government, too, in 1831, which is the last instance, his Majesty expressed his hope, in the speech from the throne, that the attention of the new parliament, which he would direct immediately to be called, should be applied to the consideration of certain important subjects. And thus I have shewn, by four former precedents, that the new parliaments were convoked in these cases at as early a period as possible after the dissolution of the existing parliament; and I have shewn, by three former precedents, that there was no objection on the part of the Crown to giving an intimation of its intention to call the succeeding parliament without delay. I think, therefore, that the noble lord cannot object to give the House the assurance for which I ask,—and which, as I before said, will be perfectly satisfactory to me upon the subject. I shall say nothing of the precise position of the executive government; but, supposing the noble lord to be unable to give this assurance to the House, I shall not offer any obstruction to the dissolution of parliament. But I cannot be a party to a vote which would imply an opinion, on my part, that, although the parliament may be dissolved, yet that its successor need not be convened for an indefinite period.

Sir, it is, I apprehend, quite clear that if the noble lord were to take a vote for the remaining estimates for six months,—that is, from the 5th of April to the 5th of October,—such a vote would enable the government to defer the meeting of the new parliament until October or November, or even a later period; but that, I think, would be an unconstitutional proceeding; and against it, I do submit, this House has an undoubted right to protest. I repeat, therefore, that, if the noble lord will give me an assurance, in his place as a minister, that it is not the intention of the government to advise the Crown to pursue that course, but that it is their intention to advise the Crown to pursue the course taken on all former occasions,—I say, if the noble lord will give me such an assurance as this, such, his declaration, will incline me to place entire confidence in him, and not to quarrel with the particular proposition which the right hon. gentleman the Chancellor of the Exchequer has made. If, however, the noble lord is not prepared—is either unable or unwilling—to give me this assurance,—even then, I will consent, in part, to the grant for which



the right hon. gentleman the Chancellor of the Exchequer asks; although I should submit that estimates for a period of three months would be amply sufficient to supply all the exigencies of the public service. The House will observe, that so determined am I not to take advantage of my present position for the purpose of inflicting on any branch of the public service inconvenience, that, if the right hon. gentleman the Chancellor of the Exchequer only will say there are certain votes which the government requires, and for which the amount of estimates for three months would not be sufficient,—if he will only shew me, for instance, where some particular vote has been anticipated, or, proves to me the absolute necessity, why, in some particular cases, estimates for a longer period ought to be granted,—I can only say that I shall not object;—that I shall be ready to grant to the government any additional sum which they may require, on being furnished with evidence of such a necessity. I do trust that the noble lord is aware of the motive which induces me to call for this assurance; and I shall be happy if the noble lord will relieve me, by such a declaration, from further hostile discussion on the subject. There is nothing whatever inconsistent on my part in asking, or on the part of the noble lord in making, that declaration for her Majesty's government; and, as I require no further guarantee beyond his declaration,—if the noble lord makes it, I can only say, without implying that I waive my right to discuss any particular vote, that I, for one, shall not object to grant the remaining estimates for six months, or any additional sum which I am assured the interests of the country may require.

After a short discussion, the House went into committee, several votes were agreed to, and the House resumed.

On the 23rd of June, parliament was dissolved by proclamation, and a new one summoned, to meet August 19, 1841.

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## ADDRESS IN ANSWER TO THE SPEECH.

AUGUST 24, 1841.

Parliament having been opened by commission, and the Speaker having reported to the House the Lords Commissioners' speech, Mr. Mark Philips proposed the Address in reply.

Mr. Wortley then rose, and proposed, by way of amendment, a series of resolutions, to the effect, that her Majesty's advisers do not possess the confidence of that House.

SIR R. PEEL, in the fourth night's debate, spoke as follows:—If I felt more acutely than in fact I do, either for myself or the party with which I am connected, the weight of censure and vituperation with which we have been visited by the hon. and learned gentleman who has just sat down, (Mr. O'Connell,) I still could find some consolation; for, whatever may be his present abuse of the Tory party, it falls infinitely short of that which he has so often lavished on his beloved Whigs. The hon. and learned gentleman has, in fact, reduced himself to a position in which his praise and his censure are of equal value. If these Whigs are the men who have so improved and advanced the condition of Ireland,—if these are the men who for ten years have given to that country happiness and tranquillity,—what can have justified you in loading them in former times with every calumny? What! are these "the base and bloody and brutal Whigs?" When you are accounting for their difficulties and embarrassment, do you bear in mind that there is not one distinguished member of that party, I might say without any exception, who has not had the—honour—of your vituperation? Is there one? You say that for ten years they have so governed Ireland, as to secure to that portion of the empire tranquillity and order. Why, for four of those years my noble friend near me was Secretary for Ireland; for four years out of the ten that man, whose advent to power you now deprecate, was the immediate agent of the Whig administration in Ireland. I ask now, if these men have so well deserved your approbation; and if so, why it was that, night after night, you increased their difficulties and embarrassments by your opposition; by denouncing them to the country, and by trying to create prejudice against them in Ireland, by every calumnious expression which an imagination fertile in calumny could suggest? Sir, I am sorry I have been provoked on this occasion; but I think

I have had some provocation. I am sorry, sir, that I should have been provoked into a single expression betraying the slightest irritation. It was my wish, and I earnestly hope I shall fulfil my intention, to discuss the questions that are now before the House, in a spirit and in a temper becoming the gravity of the occasion, and the magnitude of the interests which they involve.

I have been opposed to the hon. gentlemen opposite, for the period, except for one short interval, of nearly ten years. I have attempted to conduct that opposition—reconciling, at the same time, the frank exposition of my opinions, and the open and direct condemnation of their measures—with an absence of every expression of an acrimonious nature—the absence of every feeling betraying personal hostility or dislike. Placed in that situation in the opposition where some latitude is necessarily allowed, I have endeavoured to discharge my duty temperately; and it certainly is not upon this occasion, when, according to the apparent feeling of the House, that opposition is likely to be attended with success, that I shall allow myself to be betrayed into a course different from that which I have hitherto pursued. I feel that all the exultation of party triumph should be suppressed in the presence of those great questions which have been submitted to our consideration; and if it be true that those great consequences which have been anticipated, are likely to flow from the debate of this night—if it be true that the destinies of this country, so far as the government are concerned, are to be committed to other hands:—those who, according to public opinion, will be called to power, ought to survey the position of public affairs with feelings far more elevated than such as are connected with mere party considerations. I hope sincerely—if public anticipations be correct, if it be likely that I shall be called upon to take a part in the conduct of public affairs—that I shall contemplate those dangers and those difficulties to which the hon. and learned gentleman has adverted, and which perhaps may account in some degree for the want of confidence in the present administration—I hope I shall contemplate them without any unmanly fear, or any shrinking from that responsibility which belongs to public station; but, at the same time, I conceive it to be perfectly consistent with those feelings, to contemplate them with an awful sense of the obligations which high office imposes, and of the responsibility which public duties involve. It is in that spirit of contemplation, rather than with any feeling of party rancour, or exultation, that I proceed to give my opinion upon the topics that have been adverted to in the course of this debate.

Let me first briefly notice two or three points in the address upon which no great difference of opinion is entertained. The first is that in which we express our satisfaction, “that the temporary separation which the measures taken in execution of the treaty of the 15th of July, 1840, created between the contracting parties and France, has now ceased.” Sir, no man learns with more satisfaction than I do, that that separation has ceased. No man learns with more cordial satisfaction that France has been able, consistently with her honour, to enter again into the great councils of Europe. I do, however, hope that that re-union will not be a mere formal re-union, but that it will be accompanied with the restoration of those amicable feelings, and of that cordial and good understanding between this country and France, which is essential to the security and tranquillity of Europe. I have read with feelings of the greatest satisfaction the sentiments which have been recently expressed by a great statesman—I speak not of sentiments expressed in the assembly of the Chamber of Deputies of France, but at a public meeting of his constituents; and whatever is stated at any meeting, by a man so eminent, holding so high and important a situation, and who has proved himself so truly deserving of the character of a great statesman, as M. Guizot, the present minister for Foreign Affairs in France, must command attention: I have seen, I say, with the utmost satisfaction, this frank declaration from him, “That he rejoices in the prospect of the restoration of a good understanding between France and the other powers of Europe.”

The next paragraph in the address refers to her Majesty’s hope, “That the union of the principal powers upon all matters affecting the great interests of Europe will afford a firm security for the maintenance of peace.” I, for one, with the rest of this House, also reciprocate that hope. I sincerely hope, that a cordial union may exist between those powers upon all matters relating to the interests of Europe; and I hope that the first great interest of Europe that will be attended to may be that of

a general disarmament. Is not the time come when those powerful countries may reduce their military establishments—when they may say to each other, “There is no use in this relative increase of military strength?” And what, after all, is the use of one power greatly increasing her navy, or greatly increasing her army? Does not that power know that for the purposes of protection and self-defence other powers will follow the example? And does it not also know, that there is no relative increase of military strength that does not produce a corresponding weakness in another direction? By such a course you deprive peace of half its value, while you anticipate the energies of war when war is uncalled for. I know it is a romantic idea, that a nation ought to trust to professions for security; but then, if each country will commune with itself—if each country will ask what is the state of its finances, and of those of every country in Europe—if each country will ask what is the danger to be apprehended at present from foreign aggression, compared with the danger of producing dissatisfaction and discontent from curtailing the comforts of the people by undue taxation,—the answer it must give is this,—that the danger from aggression is infinitely less than the danger incurred by preparation to resist it. The interests of Europe do not depend upon the question of which country shall exercise the greatest influence in this small court or in another; the true interest of the countries of Europe is, to come to some one common accord which shall enable them to reduce those military armaments which belong to a state of war rather than of peace. I wish that the councils of each of those countries—and if their councils will not, I hope that the public mind will induce them to do so—would turn their attention to the great revolution which has been brought about of late years in the feelings of Europe. A twenty-five years’ peace, an increased intercourse of commerce, new connections, and new interests, have effected a great change in public affairs. Take France, for instance; and what country in Europe, if common sense prevailed in the councils of that country, would wish to see such a nation curtailed of its legitimate proportion of authority in the general councils of Europe? The common feeling of Frenchmen seems to be, that the old-fashioned feeling of national hostility towards France still prevails in this country. This is a complete mistake. If you take the public opinion of this country in the proportion of ninety-nine to one, you will find that there is no other wish amongst her people, than that France should consolidate the free representative institutions by which she is governed—you will find that there is not one feeling of rivalry directed against her successful competition in the paths of science, or in the encouragement of the arts, of literature, of manufactures, of industry, and of commerce. My firm belief is, that if France were in danger from unjust aggression, the security of the nation would not be found in the number of her regiments, but in the mind and public support of her people, who would rise with the energy of one man to rebuke and repel the danger. Look, then, at that magnificent spirit which in Germany has virtually abolished the division into small states. At present, there is but one feeling from Hamburgh to the Tyrol, and from Berlin to the southern confines of the country, and which, if the country were threatened with aggression, would rise in all its fulness and its majesty, and annihilate the invaders. In a spirit like this are to be found the securities against aggression, and for the maintenance of peace.

Not high raised battlements or laboured mounds,  
Thick walls or moated gates,  
But man, high-minded man,—

who, at the call of patriotism, in Germany or France, would, at the notice of a moment, rise in all that energy which France displayed in '93. Why do I give this counsel? [Cries of “Hear, hear!” from the ministerial side of the House.] If I may assume your hypothesis, that I shall be called to power, you surely won’t charge me with indecent presumption in offering this opinion. The first impression perhaps will be, that “this man is afraid of war,” or “that he counsels other states to reduce their army, in order that he may gain, by their so doing, some paltry advantage.” But public men must disregard such low and grovelling imputations. You cannot conduct war, as Buonaparte conducted it, against the countries of continental Europe. You cannot make a country that you conquer bear the expense of the conquest. That is impossible. What, then, must these warlike preparations end in? A moment must arrive, the most infelicitous for states as well as for individuals—the

day of reckoning must come! It is the same thing in every country. And when the people come to calculate, in their sober moments, the relative advantages of immense armaments and universal distress in the train of military glory, with the taxes raised to maintain those armaments,—when they come to take calmer and more discreet views as to the relative merits of the cost, and of the momentary excitement,—their sober conclusions will justify a statesman in adopting an equally sober policy, but a policy which, at the same time, is perfectly consistent with the firmest determination, if an occasion should unhappily call for it, to risk everything in the maintenance of the honour and true interests of the country.

I come to a point, now, which is of greater importance. I confess that I remarked with great regret the omission in the speech of any notice of our relations with the United States of America:—not, however, that I necessarily blame that omission; I am sure that it was not casual—I am sure that it was not inadvertent. Why I regret that omission is, because I fear that you have nothing very satisfactory to refer to. A question was asked of the noble lord the Secretary of State for Foreign Affairs, by an honourable and learned gentleman, to which the noble lord made an answer that might have easily suggested other considerations. The noble lord laid down the position, that we had nothing to do with the institutions of other countries as apart from their general government; that our demand must be uniformly made upon the public organs of authority, and upon them alone; that their internal laws and regulations could not be appealed to as an answer. When the noble lord read the despatch from Mr. Webster, if the occasion had been an ordinary one, some questions must have necessarily arisen. But I understood the noble lord to deprecate the putting of questions, and to state that he thought it might be more conducive to the general interests of peace, and consonant with the national honour, that this course of questioning should not be pursued; and, drawing the inference from what I understood to be the opinion of the noble lord, I shall abstain from pressing these questions or soliciting any further explanation. But the noble lord will permit me to say that the explanation which he gave was anything but full and satisfactory.

I shall now proceed at once to those great subjects which have been adverted to in the speech and the address, and which immediately led to the amendment that has been proposed. The speech of the hon. gentleman who moved the address directly called on us for an express approval of the measures recommended by ministers before the dissolution of parliament. The speech had especial reference to those measures, which were intended to supply the deficiency in the public finances of the country, more especially with reference to the duties on the importation of timber, sugar, and corn. I do not mean to avoid the expression, or, I must rather say, the repetition, of my opinion on the subject of these duties. I stated, before the last session terminated, what was the course which I intended to pursue, and what view I took with reference to them. I was told that the country would disapprove of the secrecy which I meant to observe, and that it was unworthy any person likely to possess power to shrink from a divulgement of his plans for the remedy of the financial embarrassments of the country. But I gave an opinion then,—to which I now adhere with the greater resolution, because it has been supported and confirmed by the voice of the country,—that I, who am at present to be regarded as a private individual, am not called on by any considerations of public duty—nay, that I am precluded, by my own sense of public duty—from divulging the detailed measures by which, if called to power, I would attempt to rescue the finances of the country from their present embarrassed position. The right hon. gentleman the President of the Board of Trade asked me whether, if I dissented from the measures of the government, I therefore dissented from the truth of the principles of free trade? Sir, I protest against the principles of free trade being trifled with in this indecent manner. I protest against the conclusion that, because I oppose those individual measures, I therefore entertain an opinion adverse to the removal of restrictions upon commerce—that I therefore imply an opinion hostile to the doctrines of free trade. In the first place, Sir, if I now profess my conviction of the truth of the principles of free trade, I cannot be charged with any new or hasty adoption of that creed. I was Secretary of State in 1825, and was intrusted with the preparation of a speech from the throne, which recommended the removal of the restrictions from commerce, in a manner, as it appears to me, more calculated to promote that removal—to make it acceptable

and satisfactory—than the mode which has been since adopted by the government. In 1825, with my entire acquiescence, his Majesty delivered this recommendation, through the commissioners, in the speech from the throne:—"His Majesty commands us not to conclude without informing you that evident advantage has been derived from the relief which you have recently given to commerce by the removal of inconvenient restrictions. His Majesty recommends to you to persevere, as circumstances may allow, in the removal of similar restrictions, and his Majesty directs us to assure you that you may rely upon his Majesty's cordial co-operation in fostering and extending that commerce which, while it is, under the blessing of providence, a main source of strength and power to this country, contributes in no less a degree to the happiness and civilisation of mankind."

These were the sentiments to which, in 1825, I was a party. The right hon. gentleman has, I think, a fair right to say, "But don't content yourself with these general declarations in favour of free trade. If the principles be good, the *onus* is thrown on you of establishing the grounds for making an exception." I will, then, say,—although an hon. gentleman has taunted me with assuming the mantle of Huskisson,—I can say with perfect truth that I did cordially co-operate with Mr. Huskisson in his financial measures, and received from Mr. Huskisson the assurance that from no member of the government did he receive a more cordial support than from myself in forwarding those measures. But the right hon. gentleman says, "We were prepared with other measures." It may be perfectly true that there were other measures, founded on the principles of free trade, which the right hon. gentleman intended to introduce. He states that he has other more extensive measures in contemplation; but on these he will surely not expect me to express any opinion. As to those, however, which he actually proposed, independently of the three great measures of last session, the principal one which I can call to mind now was the regulation of the duties on coffee from the Brazils, with a view to get rid of that absurd anomaly which permits that coffee now to come round by the Cape. The right hon. gentleman met no opposition from me in that matter. I was fully disposed to give him my cordial support. Another measure brought forward by him was for the equalisation of the duties on East India produce, as compared with those upon West India produce. Upon that measure, the right hon. gentleman met with some opposition, I think, from this side of the House,—some slight opposition;—but he will recollect that I expressed my opinion distinctly in his favour. The other measure of the right hon. gentleman was to diminish the cost of production in the West Indies, by permitting the free introduction of lumber and provision at a fixed rate of duty. The right hon. gentleman did not meet with any very formidable opposition on that measure.

Mr. Labouchere.—It was opposed by the member for Cambridge University (Mr. Goulburn).

Sir R. Peel.—The measure, as I remember, was but slightly opposed. But, proceeding to other matters, I shall now refer to another passage of the speech:—"It will be for you to consider whether some of these duties are not so trifling in amount as to be unproductive to the revenue, while they are vexatious to commerce."

You ask whether I contend against that principle? Not in the least. I can conceive nothing more just—nothing more wise, than such a recommendation. If there be duties which are unproductive to the revenue and vexatious to commerce, there can be no possible objection to consider them with a view to their removal. Nor to the principle contained in the following passage can I at all demur:—"You may farther examine whether the principle of protection upon which others of these duties are founded be not carried to an extent, injurious alike to the income of the state and the interests of the people."

The only reason why I object to the address is, that you have announced that it means to challenge an opinion upon the three principal measures which formed part of your budget; and my fear is, that with that public intimation of your intentions, I might acquiesce in the general words of the address, and you might construe that acquiescence into an approbation of the detailed measures. I come, then, to the detailed measures themselves. Before the House separated last parliament, I said with respect to the timber duties, I will give no pledge—I will reserve to myself the consideration of that question; but I will know, circumstanced as the

Canadas are—I will know whether there may not be political considerations which may contravene the general principles of free trade, or render it desirable to carry them out in this particular case. Now, what are the facts with respect to this question? The noble lord (Lord J. Russell) told us that Lord Sydenham, the Governor-general of the Canadas, had said that the proposition for the reduction of the duties on foreign timber as compared with those on colonial, would greatly add to his embarrassment—that it would greatly embarrass him just at the moment when he had formed that union which, according to the learned gentleman, is to be productive of so little harmony, contentment, and satisfaction. At the present moment when our relations with the United States are so critical, Lord Sydenham said, “If you carry the timber duties, you will greatly add to my embarrassment.” He said there might be other measures which, if carried, might reconcile the Canadians to an alteration of the duties; but to this hour we have never heard what those measures were. Why, what is the state of the Canadas at this moment? What is the state of the Canadas as affected by our relations with the United States? I have seen lately published in the newspapers a despatch from the noble lord the secretary for the colonies—a despatch of a peculiar nature—such a despatch as I believe never was published before—a despatch in which the noble lord frankly informs the Governor-general of Canada, and proclaims to the world, that he has thought it necessary to refer a project for the fortification of Canada, not merely as he would have done in ordinary times to the Master-general of the Ordnance, but to Lord Hill and the Duke of Wellington, and that £100,000 per annum should be devoted for that purpose. Why, if that be so—if we cannot rest on the superiority of our naval force—if we must fortify Canada—and if this be proclaimed to the world, with the object, I suppose, of convincing the United States that our mind is made up, at any risk or cost, to defend the Canadas, and perhaps also to assure the people of Canada that, notwithstanding our own financial difficulties,—notwithstanding the pecuniary embarrassment in which we are involved,—we are ready to take on ourselves the debt contracted by Upper Canada;—I don't contest the wisdom of the measure. It may be right so to tranquillise the public mind; it may be right to hold out that pecuniary inducement to the consolidation of the new union; it may be wise to fortify Canada, and to spend £100,000 annually in that fortification,—nay, it may be wise to resort to the extraordinary step of publishing your communications with the Duke of Wellington upon that subject to the United States; but if these measures are justifiable and wise, don't they indicate a state of public feeling and a state of public danger which justifies my reserve, lest at this moment we should increase the embarrassment of the Governor-general of Canada? Observe, I know nothing of the secrets of the Colonial-office,—I refer merely to a published despatch; and I suppose the very fact of its publication will acquit me in the eyes of the noble lord of taking any step for increasing its notoriety. I should deeply regret if I had contravened any intention of the noble lord to keep the matter secret; but the despatch to which I have referred was published in the English newspapers at full length.

Now, with respect to the question of sugar. Upon that subject, I am afraid I must maintain precisely the same language as I held last session. At any rate, you shall acquit me of this charge, that before the dissolution I held one sort of language with the view of gaining a majority, and that, having gained a majority, I am now going to modify that language; as if I had sought your removal from office on account of those distinct measures which you have proposed, and at the same time contemplated my own confirmation in power by the adoption of the same course. I frankly own I contemplate no such thing. I maintain, now, the same opinions on this subject I stated when the question was last discussed. I say, seeing that you propose to admit the sugar, not only of Brazil, but of Cuba, at a duty of 12s.;—seeing that your own measure was so ill considered that you were obliged to alter it within a week from its first introduction;—seeing that you made no stipulations whatever at the time of proposing that great advantage in respect of slavery or the slave trade,—it did appear to me, in the first place, that you were incurring a risk of aggravating the horrors both of slavery and the slave trade, particularly as far as Cuba was concerned. You took no precautions which, even if your views were just, you might have taken, in exacting conditions from those states; but, above all, there

was the prospect of an increased supply of sugar from your own colonies in the East and West Indies, affording the means of materially reducing the price of sugar from our own colonial dependencies.

Now, I fairly admit I cannot reconcile that course to the just principles of free trade. I fairly admit that the principles of free trade, if strictly applied, would require the disregard of those considerations connected with slavery. That is perfectly true. But still those considerations connected with slavery did weigh on my mind. I did distrust your calculations that our supply would be so short, and the price would be so high, as to compel a reduction of the sugar duties. I did not taunt the right hon. gentleman for changing his course in 1841; and I really think, although I am sure I have had plenty of provocation during this debate, it would be much better that we should, as far as possible, avoid taunting each other with any change of opinion. [Cries of "Hear, hear!" and laughter.] Do not mistake me, I am not going to change mine. I tell you I adhere to the opinions I expressed on this subject before the dissolution. But let me remind the right hon. gentleman (Mr. Labouchere), that, although I did not taunt him, yet the grounds he took in 1840, and urged with so much ability, were diametrically in opposition to the scheme he propounded in 1841. Those grounds were, that the West Indies were tottering under the weight of a great experiment,—that sugar cultivation in the West Indies was peculiarly onerous,—that on the sugar estates the mortality was much greater than that caused by the raising of any other colonial produce; and he said that the people of England required that justice should be done to that great experiment. Upon these grounds the right hon. gentleman resisted—and, in my opinion, properly resisted—this measure in 1840. Although he said other considerations overpowered him on account of the sufferings of the people of this country, his grounds for resisting the alteration of those duties were not of an incidental or temporary nature. I thought there was a prospect of an increased supply of sugar from our colonies,—I thought the price would be reduced. Now, what is the fact? The right hon. gentleman made a very able speech, and entered into many details; but he forgot the part of Hamlet, too,—he forgot to refer to the price of sugar. The price of sugar on the 1st of September, 1840, when I voted with the right hon. gentleman, was 58s. 4d.; on the 8th of January, 1841, it was 50s. 10d.; and the present average of the price of sugar, the produce of the British colonies and our East Indian possessions, is 36s. 3d. I do not say the reduction of the price of sugar derived from your own colonial possessions is a conclusive argument against the admission of foreign sugar in competition with it. The principles of free trade and competition must disregard the fact of low prices. In point of fact, low prices may be perfectly compatible with monopoly. A low price might be an argument in favour of competition. I am merely referring to the reduction of price as a conclusive proof that my expectations and predictions were not at fault. If the right hon. gentleman could say to me, "True, there has been a reduction in the price of sugars, but there has been a great decrease in consumption; the consuming power of the people has abated;"—if it were so, that, I fairly own, must be taken into the account in estimating the value of the reduction of the price of sugar. But will the right hon. gentleman allow me to ask him why he confined his estimate of consumption to the first six months of this year as compared with the last? Observe, during those six months there was a great derangement of the trade in sugar, because the ministerial propositions were known, and every one was expecting the inlet of foreign sugar; at least all were expecting a great change in the duties levied on sugar. There was a great depression in the market, and an unwillingness to purchase sugar; and these circumstances must account for the diminished consumption, or at least, the taking sugar out from the docks for the purpose of consumption. But is it true that, in the last three months, there has been an increase in the consumption? I have been told,—I do not know whether I can entirely rely on the information I have received, but it is to this effect,—that during the three months ending the 5th of August, 1840, the consumption of sugar imported from the British plantations, including the Mauritius, was 937,000 cwt.; and in the same period of 1841, for the three months ending the 5th of August of the present year, it was 992,000, or nearly 1,000,000 cwt. Is that fact true, or is it not? If it be, why did the right hon. gentleman opposite (Mr. Labouchere) confine his estimate to the first six months of 1841, leaving out of con-

sideration the succeeding period? But if the statement be true, it is a most important fact, and, at the same time, a most consolatory one, which I value infinitely less on account of the revenue to be derived from it, than as an indication that there is an increase in the consumption. Infinitely less do I regard it on account of any advantage that may result to the exchequer, than as an indication that the reduced price of the article has contributed to an increased consumption. If these facts be true, you have it proved that there is a fall of the price of sugar from 58s. 4d. per. cwt. to 36s. 3d.; and this within the last three months, since sugar, the produce of the East Indies, has begun to arrive in this country. I hail this result, then, as one of great importance, encouraging the hope that the period of recovery, slight indeed, but still showing a turn in the downward progress of diminution, perhaps may have arrived.

I come, now, to that more important and exciting topic, the consideration of the duties on corn. That I may make no mistake, allow me to quote the exact expressions I made use of with respect to this question of the Corn-laws previous to the dissolution of the late parliament. I said, what I now repeat, that I preferred, on the whole, a graduated scale;—that, after mature consideration, I had formed an opinion, which intervening reflection has not induced me to change,—that the principle of a graduated scale was better than the imposition of a fixed and irrevocable duty on corn. I said, and I must repeat it, that I think the sliding scale preferable to a fixed duty. I said that I would not pledge myself to the details of the existing law: but that I would reserve to myself the unfettered power of considering and amending those details. I hold that language now. I still prefer the principle of a graduated duty. But if you ask me whether I bind myself to the maintenance of the existing law in all its details, and whether that is the condition on which the landed interest give me their support, I say that, on that condition, I cannot accept their support. [Cries of "Hear, hear!" from the ministerial benches.] Well, but am I not repeating—am I not maintaining—now,—precisely the same position I took up formerly? I may be wrong; I know it is the fashion to be positive of accuracy; but it does appear to me to savour of intolerance, for every gentleman to presume that he is in the right, and that those who differ from him are wrong. But, suppose we are in error. Have compassion on the comparative infirmity of our inferior judgments, if you will; but, at any rate, do not impute motives to us which you disclaim for yourselves, and do not suppose that, in maintaining the opinions we conscientiously think just,—base motives can have any sway with us. The right hon. gentleman opposite says, that there have been great errors in calculating the averages; and would any man of common sense, who looked forward to succeed to power, debar himself of the full opportunity of correcting those errors? There may be various modes of correcting those errors; but I will not enter upon them. I purposely avoid entering upon the details. But this I say, reviewing the whole bearings of this question, I do now, with a majority, as it is supposed, hold the language which I held in a minority, and I reserve to myself the unfettered power of considering the details hereafter. You are not satisfied with this, and your whole store of obloquy is directed against me in consequence; but which, after the experience of thirty years, I can endure with as little irritation or uncomfortable feeling as most men. Still, your obloquy is directed against me on this ground;—you say to me, "You prefer a graduated scale to a fixed duty, and yet you withhold from us all knowledge of the mode in which you would carry out your principle." Why, was there ever a more preposterous demand made of a public man than that he should not only declare his preference of a principle, but bind himself irrevocably, before the whole world, to the precise mode in which he should apply it? You made this demand of me in May last, and yet you have remained in office up to the present time. You said, in May last, "You are coming into power, we are going out. Was there ever such a shallow candidate for power as not to tell us, upon the eve of his advent to office, what his proposition is with respect to the sliding scale?" Why, suppose I had done so. All this demand proceeded on the assumption that you were about to quit office. On the 18th of May I should have declared my intentions. Your views were changed in the intervening period; and, having determined to retain power and to appeal to the people, you wanted the convenient advantage of attacking my detailed project, and, to the best of your power, making



it utterly impracticable. But, add to this all the intervening confusion of the corn trade. There was a measure proposed on the 18th of May, which subsequent events proved could not be submitted to the House before the middle of October, at the earliest; and the whole country was to be occupied in sifting, and condemning, if they deserved condemnation, the details of the measure; and then, when, after five months, I came into power, you would have bound me to that plan so prematurely condemned; and, if I had not adhered to it, you would have said, "Here is a man who came forward with a certain plan in opposition; he has got office; and, the minute of his attaining it, he alters the details!" I was honoured with the confidence of a powerful party, which did not free me from the obligation of expressing my opinion with respect to the new measures of ministers, but which did not require me to develop a budget; for, if it were my duty to do so, why do we go to the immense expense of maintaining establishments of public functionaries—ministers of the Crown—whose duty it is to arrange the budget? If we are all on an equality, and if we have all the means of procuring official information, for the purpose of arranging the details of a financial scheme, what becomes of the necessity for the offices which are held by the right hon. gentlemen opposite? But I will prove to you that you could not require this of me. Why did you give me a year to consider the New Poor-law? That measure has been the subject of discussion; and why should I not, in the same way, be called upon to explain the details of the amendments I may find it necessary to propose on it? Is not the one just as reasonable as the other; and do not you know, with respect to each, that the premature declaration of the details of a measure, and the sifting of them, in popular assemblies, before they are submitted to parliament, tends to prejudice the free consideration of them? And yet you ask me to pledge myself as to the details of a new Corn-law. Suppose I had done so. I was to proceed afterwards to the formation of a new government. There was one point in the measure to which I must have adhered—I mean the pivot price. But, suppose I had declared my measure in detail, offering it in competition with that of the government, in order to satisfy the public mind; and I was to go to each colleague to ask him to assent to belong to my government, but, at the same time, I was to tell him "there is one irrevocable principle to which you must conform—not to a mere alteration of the Corn-laws,—not to a mere preference of the graduated scale,—but you must subscribe to this precise mode of correcting the averages, and the pivot price on which I have individually determined, and from which I cannot depart, because I have declared in parliament that it shall be so and so, and I have left a blank to be afterwards filled up." Is it not clear what would have been the consequence? And can any reasonable person deny that there never was a more preposterous demand made from any public man, than that I, not being in office, but supposed, by you, to be a candidate for power, should declare the precise measure, on the subject of the Corn-laws, which, in the event—the perhaps distant event—an event contingent on your inclinations—of my return to power, I should propose when I was in office? I stated that before the election; and no demands, no solicitation, no ridicule, shall induce me to depart from it. What was the question between us? On your side, gentlemen, who are the advocates of free-trade, many of whom were not members of the last parliament, seem to have forgotten what the real question at issue was. We both acknowledged the principle of protection—we both acknowledged the principle of protection to agriculture. The first finance minister of the Crown being asked, "Is this measure of fixed duty a tax or protection?" his answer was, "Most unquestionably it is one of protection." Well, we started, therefore, from the same point. The government proposed a fixed duty of 8s. to be levied on foreign corn, at all times, and under all circumstances. No matter what might be the glut of corn in the market;—no matter what might be the price of corn—90s. or 100s.;—the proposal of the government was, and is, I suppose, that the 8s. duty should be rigidly adhered to. Now, will the hon. member for Stockport have the goodness to apply his calculations to the government proposition of an 8s. duty on corn; and when he estimates the amount of duty which is taken from the pockets of the poor man, compared with the amount of the duty on bread which is taken from the pockets of the rich man, will he tell me whether his calculations are not, literally and precisely, as applicable to a fixed duty as they are to a graduated scale? And,

when I have adopted the fixed duty, and accepted it as a final settlement of the Corn-laws, what security shall I have that those promised denunciations which are daily and nightly to be lavished against the bread tax, will not apply with equal force to the fixed duty of 8s. as it does to the duty under a graduated scale?

Mr. Brotherton.—It depends on the amount.

Sir R. Peel.—No, it does not depend on the amount. If a certain quantity of flour is necessary for the consumption of a poor family, and a certain quantity only is necessary for a rich one, every one of those elaborate calculations which were brought forward by the hon. gentleman will apply with precisely as much force to that fixed and unvarying duty as to a shifting duty, without reference to the amount. And every argument of a popular nature, calculated to produce dissatisfaction and discontent, will apply with at least equal force to a fixed irrevocable duty, levied directly under the name of a tax on bread, as it does to the duty which is levied under the graduated scale. The principles of free trade are as opposed to the one as to the other. And would it be a satisfactory state of things, if we were to have a mere intermediate alteration of the Corn-laws, public declarations having been made by some of the most eminent members of the House of Commons,—some saying that they accept it only as an instalment, others that they take it only as a stepping stone to free-trade,—but all declaring that they regard it not as a final settlement, but that, having got this, they will agitate for more? And that is one of the considerations that make me very much doubt the advantage, and, if I may be allowed to borrow an expression of the noble lord opposite, the “finality” of such a scheme.

Now let me ask you this question:—Suppose you had passed your law in the month of May last, fixing a duty of 8s. on corn, to take effect from the end of the session. Suppose the weather had continued unfavourable; that the present harvest had been a peculiarly deficient one; and that the price of corn had risen towards September or October, to 90s. a quarter;—did you mean to have insisted on your fixed duty of 8s.? That case might have arisen—this is no improbable conjecture. You want to give security to commerce; what does that mean? That men may speculate in corn—that they may have the chance of making great gain by pouring in foreign corn when the price in England is at 90s.,—subject only to a fixed duty of 8s. Of course the principles of free trade require the rigid exaction of that duty. Is there to be a board of trade with a discretionary power to remove that duty whenever it shall think fit? That, surely, would not be in accordance with the principles of free trade. You say that the remote consequence you contemplate is that the price will not rise. That is not the speculation of those who contend for a total repeal; but I speak to those who advocate a fixed duty. I was about to say that the tax upon corn was contemplated as one to come into immediate operation. The Chancellor of the Exchequer contemplated that tax as forming part of his Budget for the year; and I merely refer to the right honourable gentleman to prove that no delay was in contemplation, but that he estimated the 8s. duty as a part of his ways and means. Well, suppose the prospects of the harvest to be gloomy; suppose that there had been a defective supply, and the price had risen in consequence; suppose, I say, all this as taking place in September or October next,—would you have insisted upon a rigorous exaction of your 8s. duty?

An hon. member.—Yes!

Sir R. Peel.—You would? Then I publicly notify to the country, upon the authority of a great manufacturer and a stern free trader, that, be corn at the price of 80s., or 90s., or 100s., his rigid adherence to the principles and doctrines of free trade will compel him to exact the duty of 8s. So that, when the honourable member for Stockport should come forward with the distressing details of the misery of the poor—when others should come forward with their sympathy (and, as I sincerely believe, their unfeigned sympathy,) with the sufferings and distresses of the poor, sufferings of which they themselves are cognizant—when they should say “Here is corn at a price of 90s. or 100s., a foreign supply is pouring in;” then their neighbour and friend, the honourable member who answered “yes,” would reply, “No matter what the amount of distress that prevails—no matter what may be the extent of privation—no matter what the amount of suffering; yet still the 8s. duty must be exacted; there is no power to remit it. “In vain would it, then,

be to show that under the existing scale it would have been admitted at 1s. In vain would it be to draw a comparison between the state of the law, now—defective as it may be—admitting corn when there is scarcity—in vain would it be to draw a contrast between that state of law which now admits foreign corn when prices were at 80s. or 90s., with that state of law which would require 8s. irrevocably and under all circumstances. No matter for these considerations; hon. gentlemen would adhere strictly to the 8s. duty, and would say that the importer of corn was entitled to the letter of his bond! It may be very well to make all this parade of strict adherence to principle; but I tell you that under those circumstances the duty of 8s. could not be levied. You would be compelled to a relaxation of it, either by parliament or by some subordinate power. How will you provide for that relaxation? Will you provide that when corn shall arrive at a certain price the council shall be required to abate the duty? If you do, then you must maintain the system of averages. And then I say that in that case the right hon. gentleman must apply himself to the correction of the system of averages, for there would be the same temptation, as now, to deal with the averages when there should be a price fixed at which the council should be enabled to relax the duty. If, on the other hand, you take no such power, then that principle which provides for the total remission of the duty when corn is inconveniently high, is far more likely to work well than that principle which requires, irrevocably, and under all circumstances, a fixed and permanent duty.

With respect to the fluctuations in price, I confess, having paid my best attention to this subject, that I have great doubts whether your expectations, that free trade in corn will produce a great fixity in price, will be realised. It does appear to me, that there are, and must be, such fluctuations in the price of corn, from the very nature of the commodity itself,—a commodity not dependent, like articles of manufacture, upon machinery, which can be limited, but dependent upon circumstances varying and accidental as the seasons, or as the quantity of corn produced. That the proposal of a fixed duty, therefore, would be an improvement in the law, as regards insuring fixity of price, I very much doubt. In considering this part of the subject, it will be important to compare the price of grain in those countries in which corn laws do not operate, with the prices in this country. And here let me say, incidentally, that, in considering this question, I wish to disregard every party and political feeling whatsoever, and to treat it as only it ought to be treated. With respect to the fluctuations, then, in the price of corn, undoubtedly they have been great, greater than I could have wished. The main object to be attained is a comparatively fixed price. Let us compare the variation in the price of corn in the United States with the variation here. America is a country not subject to the operation of any corn law. America is a country with a perfect free trade in corn within its own territories, producing more corn than its inhabitants can consume. It is not, therefore, supposed to be subject to the fluctuations which a country like England, partly dependent upon foreign supplies, must necessarily be. I have, here, a paper, which gives the price of corn in the different countries of the world, and particularly in the United States. I take the state of New York; and, unless I have made some error, or that there be an error in the print itself, here is an account of a very remarkable fluctuation in price. In November, 1834, the price of the Winchester quarter of eight bushels was 33s. 4d.; in October, 1836, it was 54s.; in January, 1837, it was 63s.; in June, 1839, it was 67s. 4d., and in October, 1839—mark! in the same year—it was 39s. 7d. Thus, in the state of New York, alone, in the course of six months, the price of corn varied from 67s. 4d. to 32s. 6d. Whence arose that fluctuation; how is it to be accounted for, unless by the nature of the intervening harvest producing so immense a variation? In October, 1840, the price was 31s. 9d.; so that we see the price fell from June, 1839, when it was 67s. 4d., to October, 1840, to 31s. 9d., a great deal more than 100 per cent. I know that the first argument which will be used in answer to this will be,—“Oh! but the state of the Corn-laws in England deranges all the corn markets of the world.” But Mr. Whitmore, a great authority, has declared that when there is a duty of 8s., we must not expect any very material import from the United States; and that, in consequence of its distance, that country is not liable to derangement in its market on account of the English corn

regulations. Yet, in that country, where the trade is free, where the supply of corn is superabundant, on account of the variations of the seasons, there are much greater fluctuations than there seem to be here, and, at times, much higher prices. In January, 1837, when wheat was 63s. per quarter at New York, the price was 55s. 6d. in England; in October, 1836, when the price was 54s. in New York, it was only 65s. 9d. in England. Here, then, is a country, subject to great variations in prices and supplies on account of the fluctuations of the seasons, and occasionally suffering a corresponding amount of distress in consequence, where the system of free trade in corn is in full play.

Again: when I look at the other papers presented to parliament, the whole of which I have hardly had time to examine, I find one of them containing a most extraordinary statement with regard to Russia. Here is an account from your own consul, which you have yourselves laid on the table of the House. He says that, supposing the cultivation of grain to go on in Russia according to the existing limited scale, the supplies sent out from St. Petersburg would be from 175,000 to 210,000 imperial quarters of corn per annum. But what does he add with respect to times of abundance? He says, the quantities may be trebled on account of the variation of the seasons. Why, can it be otherwise than that there must be immense fluctuations in a country where, on account of the variation of the seasons, the produce may be multiplied threefold? In the very next paragraph, in order to give an idea of what this country can produce when the harvests are particularly good, your informant states that he has been assured by one of the principal corn merchants in Russia, that, in the year 1835, Tambov alone produced 38,000,000 quarters of grain.

An honourable member.—Impossible!

Sir Robert Peel.—Impossible? Then you, that have asked me to make my corn law before I had an opportunity of considering what, in May last, I was to anticipate,—namely, all the information you were to get,—you, when I first read that information, meet me with the exclamation, “Impossible!” Here it is, in page 2, of a series of answers from Sir Edward Baines to a letter signed “Palmerston,” requiring information as to the amount of price, and other particulars relating to grain in Russia. In the same document I find that the cost price of wheat, at first hand, at St. Petersburg, is stated to be from 13s. 6d. to 14s. 1d.; oats 4s. 5d. to 9s. Now, if these facts be true, is it not quite possible that a great fluctuation in the price of corn may arise from other causes than the operation of the Corn-law? I would wish still to speak in the spirit in which, as I said before, this question ought to be discussed; but I cannot help thinking that you, who contend for such an unstable change in the Corn-laws as that connected with those fluctuations, are exaggerating the advantages to be gained.

I am sure I heard with the deepest regret those accounts of distress in the manufacturing communities which have been described by honourable gentlemen whose character and opportunities of observation entitle them to great consideration; but some of those statements were so afflicting, that I said to myself, “What must be the operation of the poor law in that district which could permit such a horrible degree of misery to exist?” Surely there must be some great neglect to make it possible for a man to be found dead at his loom, and yet for no inquiry to be made, and no helping hand extended to the sufferers. But this I know, that we ought not to content ourselves with mere expressions of sympathy. Those in authority ought, at once, and in the first instance, to demand by whose laxity it is, and by whose neglect it is, that such things can have taken place. It does, indeed, give me great pain that such instances of suffering should exist. If I could be induced to believe that an alteration in the Corn-laws would be an effectual remedy for those distresses, I would be the first to step forward, and say, at once, to those who are most interested in upholding the present system, the agricultural interest,—“It is for your advantage rather to submit to an alteration of the present Corn-laws than, by insisting upon their continuance, to be the occasion of suffering such as has been described.” If any sacrifice of theirs could prevent the continuance of that distress,—could offer a guarantee against the recurrence of it,—I would earnestly advise a relaxation, an alteration,—nay, if necessary, a repeal of the Corn-laws. But, Sir, it is because I do not, and cannot,

believe that the present Corn-laws are at the bottom of the evil,—that the distress that exists in the manufacturing districts, and which has been so ably dwelt upon by honourable members opposite, does, in reality, spring from these laws,—that I am induced to stand up for their maintenance. Perhaps I am taking a gloomy view of the subject; but I do not believe that it is in the power of this House to alleviate that suffering and distress, or to palliate those evils, by any legislative enactments. One of the causes, if not the principal one, which has given rise to much of the distress in the manufacturing part of the country, is the sudden introduction of machinery as a substitute for bodily labour. That that substitution has been productive of great good to the country no one will question; but it is equally evident that much private distress has been the consequence. In the course of the inquiries that I have made into this subject, I have been most forcibly struck by documents which appear in the first report of the poor-law commissioners, giving an account of the state of manufactures in Lancashire in 1835; and if such things as are there described can exist,—if there can be such stimulants applied to production,—then I fear that the inevitable consequence must be, that, when the check arrives, when the markets are encumbered with produce,—when wars in China, wars in Syria, and disturbances in Europe affect the vent of supply,—then the inevitable result must be, that there will be a recurrence of that distress, in general and in detail, which has been described in such forcible terms in the course of the present debate.

Now, this is the account which Dr. Kay, a gentleman possessing the confidence of the government, who holds an office of great importance under the government, but who, at the time I am speaking of, was employed as a poor-law commissioner;—this is the extraordinary account which he gives of the state of manufacturing industry in July, 1835. I recommend the whole document to the attention of every hon. gentleman who sits in this House. Dr. Kay says, that within two years, new machinery, equal to 7507 horse power, would be brought into operation; that 45,032 fresh hands, at the rate of six mill hands to each horse power, would be required to work these machines with, and an equal number of mechanics and labourers,—making, in the whole, 90,064 fresh hands, in the then state of Lancashire, for working the new power thus brought into operation. The erection of this power presupposes the outlay of an immense capital. Dr. Kay says that it involves an outlay of £3,752,000.

I would ask, whence must the population required by the manufacturers be derived—and what was the remedy suggested? It was proposed that a suitable agent should be appointed at Manchester to encourage immigration. I will refer the House to the state of the population in one township,—namely, that of Hyde. In 1801, the population was 830; in 1811, it was 1806; in 1821, 3355; in 1831, it had increased to the amount of 7138, of which 5000 must be the result of direct immigration. In June, 1835, Messrs. Henry and Edward Ashworth calculated that nearly 20,000 persons would be required in the neighbourhood of one of our seats of manufactures alone, namely, that of Staleybridge. The erection of new mechanical power leads necessarily to a rapid and vast accumulation of population, which must ever be subject to sudden and severe distress from the fluctuations in the demand for their labour. When you have got this population together, you find them in a short time suffering from distress, for which there is no remedy without drying up the source of our prosperity—the application of machinery. When you have erected your new power, and collected the hands necessary to work it,—when you have established your mills, and drawn together the 10,000 or 20,000 persons who are to keep them in motion,—then, the ingenuity of man discovers some new mode of producing similar articles of manufacture with a great curtailment of manual labour. This immediately gives rise to great want and great distress; thousands are thrown out of employment, and, for the time, are deprived of the means of existence. What I deprecate, then, is, the exaggerated view that is taken of the advantage of an alteration of the Corn-laws, as a remedy for the distress from which some portions of the population are suffering. Let the whole question be looked upon in a philosophical point of view,—let it be borne in mind that there are other causes besides the Corn-laws that may occasion distress; and do not take the unjust, the unwise step, of attributing all the ills our fellow-men endure to the operation of those laws.

I will not enter further into the discussion of this part of the question. I am sure the deep importance of it will have justified me in the eyes of the House for the extent to which I have gone. I cannot acquiesce in the Address moved by her Majesty's ministers. It involves an approbation of the specific measures that were involved in the budget, to which I expressed my dissent. It would imply, also, that confidence in her Majesty's ministers which I do not entertain. I do not think that the noble lord (Lord John Russell) will quarrel with the proceedings that have been taken. I think he will feel that it is infinitely fairer—infininitely more direct, more just, after the appeal which has been made to the people, to come at once to the issue—whether the government has or has not the confidence of the country—than to permit the noble lord to remain in ignorance upon that point, and to take the ordinary course of thwarting his measures. The hon. gentleman the member for Finsbury (Mr. Wakley), who, in his speech last night, affected the most extraordinary and sentimental loyalty, who seems to suffer more from an irritation of the feelings of romantic and chivalrous loyalty than any other gentleman in the House—the hon. member for Finsbury says that we (the Opposition) are acting in opposition to the Queen's wishes by moving an amendment to the Address. That is strange doctrine for one professing a great regard for the constitution. We, the House of Commons, are to be prevented from performing our duties, in respectfully submitting our opinions to the Sovereign, by the fear of contravening the Sovereign's private wishes! And the hon. gentleman contrasts the course which I am now pursuing with that which was pursued by my opponents in 1835. The hon. gentleman says, that after the generous treatment I experienced—after the forbearance which was manifested towards me—after the earnest desire that there was to permit me, deliberately and fairly, to lay upon the table of the House those measures for the public good which I proposed to recommend to the attention of the legislature,—after all this, I ought to feel discouraged from taking so indecent and hostile a step as to declare a want of confidence in her Majesty's ministers on the first day of the meeting of parliament. True, when I was in office, I think I remember the opposition to the Speaker, and the declaration of the right hon. gentleman whom I see opposite, that being beaten on the question of the Chair, I ought at once to have resigned. But if that hint was not sufficient, there was another in store for me on the succeeding day; for an amendment was moved to the Address, which censured me in direct terms for having advised the Crown to dissolve the parliament. What affectation, then, is it for the hon. gentleman (Mr. Wakley) now to come forward and state, "True; there was an attempt to censure you; but no want of confidence was implied. The vote was not a vote of want of confidence, but an abstract, dispassionate, impartial view, taken by great patriots, of the single measure of dissolution; and you, the unhappy object of the censure of those great patriots, were to continue in the administration of power, not considering that as an indication of the slightest distrust." Now, I will destroy that illusion by the authority of the right hon. gentleman opposite; because, last year, speaking upon this very question of want of confidence in ministers, he made use of these expressions:—

"He (Sir Robert Peel) advised the King to dissolve the parliament. I do not deny his right to give this advice, any more than the right of the next parliament to give an opinion on that advice. We know what that opinion was; it condemned the advice given by the right hon. baronet in this most essential particular; and the House of Commons, by a majority of seven, pronounced a verdict against the right hon. gentleman,—a verdict which amounted to a vote of no confidence as much as any vote could do."

No doubt it was meant as a vote of no confidence. It was a perfectly legitimate mode of trying the question; and it was but a short time that I survived it. I retained power till I found that the sense of the House of Commons was decidedly against me. Then I resigned—then I threw up a power that I felt I could not properly continue to hold. But I had previously fought the battle of the Speakership, and several other battles. Do not suppose that I called upon a minister, upon the first intimation of dissent or distrust, at once to throw up office. No; he owes obligations to the Crown which would warrant him in taking so precipitate a course. After the division on the Speakership, I knew that the fate of my government was

sealed, and I, at once, determined to resign; but, at the same time, I do not think I was exercising an undue discretion in continuing in power as long as I did. My position, at that time, was perfectly different from that of her Majesty's government at the present moment. It is now upwards of two years since the government declared their own opinion that they had not sufficiently the confidence of this House to enable them satisfactorily to discharge their public duties; and I firmly believe that their retention of power, in defiance of the important constitutional principle, which declares that any ministry that undertakes to administer the affairs of this country must possess the confidence of the House of Commons, has weighed more with the constituencies of England than any other misdeed of which the noble lord and his colleagues have been guilty. Lord Melbourne has declared that the worst government was that which could not execute its measures. He has declared that great interests might be exposed to hazard by a minister's attempting to hold office after he has lost power. Those words made their impression upon the public mind; and the result of the late and general election was, in my opinion, a vindication, on the part of the people, of the great constitutional principle—a principle which every friend to popular government, every friend to the representative system of government, ought to hold in honour,—namely, that the favour and support of the Crown ought not to maintain for a long and indefinite period a government in existence, against the will of the representatives of the people. It compromises the prerogative of the monarchy so to retain power, because it exhibits the prerogatives of monarchy without their just influence. It exhibits the House of Commons as wanting in its just influence, when it can thwart the measures and censure the acts, but cannot decide the fate, of a ministry. And now, when you appeal to the constituency—the constituency which you yourselves have framed, professing to consist of the middling classes—professing to be selected from the middling classes, as being less liable to undue influences than if you had widened the franchise—when you make that appeal to them, and tell them that, in your opinion, as expressed by your chief, you are retaining power at the hazard of great interests—when the House of Commons has declared that you do not possess their confidence—when you thus appeal to the people, the day of retribution comes, and the people, vindicating the constitutional principle, confirm the decision of the House of Commons.

The public opinion has been frankly expressed. That opinion, I firmly believe, is unfavourable to the government. You say that that opinion is unjust—you say that the people are too fastidious. These are unjust reflections upon public opinion, and upon those you have made the depositaries of a great public trust. I do not believe that the constituencies of this country are so disqualified to form an opinion of the character, conduct, and acts of public men. But this I am sure of, that their judgment must be decisive, if you intend to retain the popular mode of government. There is no appeal from it. I might have said, in 1835, “It is very hard to condemn me; I have brought forward no measures; it is very hard that the people should declare against me before I have an opportunity of explaining what I mean to do.” What was your constitutional reply? “The people are to judge of that; they have decided against you; you are not to remain here holding power, and executing public trusts; the people are against you; you must submit to the will of the people.” That is the constitutional principle; and it is in deference to that principle that we have moved this amendment, partaking, I trust, as little as possible of any unnecessary acerbity, but embodying an expression of the public opinion, which must be decisive. The result is expected to be the resignation of power by the present government. It is not for me to speculate what may be the result of that; others have speculated upon it. I contemplate with calmness, without anxiety,—nay, with confidence,—whatever may be the result. If power do not devolve upon me, I shall make no complaint. If power do devolve upon me, I shall accept it with the consciousness that I have gained it by direct and constitutional means, and that I owe it to the voice of the people of this country, and to the favour of the sovereign. I am told that, in the exercise of that power, I must be the instrument of maintaining opinions and feelings which I myself am disposed to repudiate. With my views of government,—with my views of the obligations which it imposes, the duties which it entails, the sacrifices it involves,—I am little disposed to add to those sacrifices by accepting with it a degrading and dishonourable station. I am

told that I must necessarily be the instrument of effecting objects in Ireland which I myself disapprove. I am asked whether I dare affront my associates and partisans? The hon. member for Meath (Mr. H. Grattan) has alluded to the conduct of a public functionary in Ireland, who, he says, has offered an insult to the religious feelings of his fellow-countrymen by some public act of an offensive nature. I am not afraid of expressing my opinion with respect to acts like that; and I say at once, that there is no man in this House—no Roman Catholic member in this House—who heard with deeper pain or deeper regret than I did, that a gratuitous, an unprovoked insult, and an unnecessary insult, had been offered to the religious feeling of the people of Ireland. If I cannot gain power, or retain it, except by encouraging and favouring such feelings, I say, at once, that the day on which I may relinquish power, rather than defer to such feelings, will be ten times a prouder one than the day on which I obtained it. If I do accept office, it shall be by no intrigue—it shall be by no unworthy concession of constitutional principle—it shall be by no unnatural and factious combinations with men (honest I believe them to be) entertaining extreme opinions, but from whom I dissent. If I accept office, it shall be by walking in the open light and in the direct paths of the constitution. If I exercise power, it shall be upon my conception—perhaps imperfect—perhaps mistaken—but—my sincere conception of public duty. That power I will not hold, unless I can hold it consistently with the maintenance of my own opinions; and that power I will relinquish, the moment I am satisfied that I am not supported in the maintenance of them by the confidence of this House, and of the people of this country!

Amendment carried by 366 to 269; majority 91.

[The result of this division led to the resignation of ministers, on the 30th of August. Sir Robert Peel having undertaken the formation of a new ministry, parliament again met, after an adjournment of a few days, the right hon. baronet being at the head of the new government, and holding the office of First Lord of the Treasury.]

## SUPPLY—POLICY OF THE ADMINISTRATION.

SEPTEMBER 17, 1841.

Sir R. Peel moved that the Order of the Day for the Committee of Supply be now read.

The question having been put,—

SIR ROBERT PEEL (in reply to some observations by Lord John Russell) said,—Sir, the course which I took yesterday, in announcing to the House of Commons the proceedings that I propose to adopt with respect to the public business of the country, will have been a sufficient indication that I had no wish, at the commencement of the harassing and arduous task committed to me, to enter upon it by any controversy of a party nature. I am perfectly ready to admit that the course which I propose to pursue constitutes no rule for the noble lord,—that our respective positions are different, and that he is entirely at liberty to invite me to the discussion which he has originated; and, though I had no wish to originate that discussion myself, I assure the noble lord I am little disposed to deprecate it, and I am thankful to him for the opportunity which he has given me of commenting on his observations. I refer, in the first instance, to those points on which there can be no material disagreement between us. I concur with the noble lord in the earnest desire that amicable relations may be maintained between this country and France; and, if possible, still more cordially do I concur in the prayer that he put up, that it may please Almighty God to continue His protection from the hand of the assassin to that distinguished monarch to whom it is given to rule the destinies of that great empire. It is impossible to hear of these attempts at assassination without feeling for the character of humanity and civilisation; but it appears as if Providence had provided some overruling protection against them, for the only result of these attempts is, to provoke one general feeling of disgust at their abettors, and sympathy with the intended victims. It does appear as if some extraordinary protection were vouchsafed to that illustrious family. My firm belief is, that, so long as they continue to reign, they do constitute a sufficient guarantee for the continuance of



peace, and that they rally around them all who wish for peace, and who desire that attempts at assassination may be defeated. I do not anticipate that the change in the government which has taken place in France is likely to interrupt our amicable relations. I have received no intimation from France of any indisposition towards the present government, or any indication of our amicable relations being altered. I should be surprised if it were so; for I recollect that, upon the occurrence of those events which shook to its foundations the throne of the elder branch of the Bourbons, I was one of those who, in conjunction with my illustrious friend the Duke of Wellington, and many of those now joined with me,—seeing that it appeared to be the will of the authorities, and of the people of France, that their government should be committed to other hands,—did, notwithstanding the reluctance of other powers with whom we were in the most cordial relations, at once advise the Crown of this country to recognise that Sovereign on whom the choice of the people of France appeared to be fixed.

And, Sir, with respect to the character of that man, of whom future ages in France will be justly proud—I mean of him who now presides over the government of France—with respect to the desire of maintaining a cordial understanding with that nation, which shall be consistent, at the same time, with the maintenance of British honour—with respect to the conviction that intimate relations of amity (without the necessity of exclusive diplomatic relations) between England and France are most essential to the maintenance of general tranquillity, that they must conduce to the advance of social improvement and civilisation—with respect to all these matters, I am not now, on my accession to office, holding language which is meant only to facilitate my course as a minister; for, for the last ten years, in office and out of office, my language has invariably been the same. I have taken every opportunity of doing justice to the character of the King of France, of expressing an earnest wish for the continued prosperity of that country, of desiring that past hostile collisions between England and France might be forgotten—that each might repose under the laurels which each, respectively, has gained, that these two great countries, each so distinguished for its military character and achievements, might feel that they could maintain relations of amity with one another without the slightest reflection upon either. I have as often expressed my opinion that both nations ought to feel that those relations are essential to the welfare of the world. These are the opinions I have held when opposed to hon. gentlemen opposite; and it is not likely that, now, on my accession to power, I should shrink from their repetition. With respect to our relations with the United States, I view the existing state of them, as does the noble lord, with great anxiety; but it appears to be so manifestly the interest of these two countries, united together by so many ties,—by the community of language, and the community of interest,—to maintain peace; that so little can be gained by war, that the wound which the one inflicts on the other is reflected back on the hand which makes it—that I cannot but hope that the prevailing good sense of each community will influence the government of each (if the government of each want such adventitious aid); and that, upon the whole, the result will be, the maintenance of amicable relations. I say no more: that is my sincere desire; yet, at the same time, I feel, also, the obligation of making no concession affecting the independence or the honour of this country, for the purpose of purchasing temporary tranquillity.

Now, I approach the consideration of those questions in respect to which the controversy arises between the noble lord and me. The part of the speech of the noble lord which I most regret, was that in which he declared his intention not to require from the House of Commons a decision on the course he has taken. I do wish that the noble lord had taken the sense of this House of Commons—elected under his advice, and under his auspices—with respect to the reasonableness and justice of the demand which I make upon its confidence, and would have enabled me to judge whether the House of Commons approves, or disapproves, of the course which I mean to pursue. I should have thought it so reasonable that, after a lapse of ten years, for which I, with the exception of some three or four months, have held the situation of a private individual—I should have thought that, on returning to power after the lapse of ten years, there would have been an universal impression that it was but reasonable—that I should not be called upon, within a month, to propose an alteration of the law in respect to the trade in corn. I should

have thought that it would have been felt that there might be advantage in the access to official information—that it might be desirable to avail one's self of the information that exist in the departments—to ascertain the opinions of those who receive large emoluments from the public for the purpose of collecting information—and that it was but reasonable to permit me to have some interval, in conjunction with my colleagues, for the purpose of deliberately considering any proposition we should make. But, if I am responsible for not proposing a measure on the Corn-laws within one month of my accession to office, what must be thought of that government that has held office for five years, and which never, until the month of May, 1841, intimated, on its own part, a united opinion on that subject? What—if you are so convinced of the intolerable evils inflicted upon this country by the operation of the Corn laws,—if you think that commercial distress is to be attributed justly to them,

if you think that they are at the root of the privation and suffering to which the labouring classes in some districts of the country are exposed,—what has been your neglect of duty in permitting five years to elapse without bringing forward, on the part of an united government, a proposition for the remedy of such abuses? Why have you allowed this question to be an open question in the administration? You may say that you had no hope of carrying it. I tell you, then, that that course I will not pursue—I shall form my opinion of the subject of the alteration which may be made, and no considerations of convenience—no leaving it an open question, to be proposed here and defeated there—shall prevent my bringing it forward, and—having stated to the House of Commons the course I mean to pursue on the part of a concurring and united government—my staking the existence of the government on the issue.

But, as respects this question, of the urgency of which you now feel so deeply convinced, how have you remained in office, permitting Lord Melbourne to hold opposite opinions? I make no proposal for inquiry. But I have made appointments which have been cavilled at. And what appointments did you make? For the office of Vice-President of the Board of Trade, you selected a man who refused to take into consideration the Corn laws; and I say this, if you were so deeply and thoroughly convinced of the necessity of a change in these laws, it was your duty, as ministers, to propose that change to the House of Commons. It is in vain to reply that you could not form a government without making the corn question an open question; it is in vain to allege you could not carry it. The greatest mischief you can do to great principles is to leave them in abeyance. Five years have elapsed, and without any alteration having been proposed on the part of the government in respect to the Corn laws until April, 1841. And why, if these feelings which you profess were entitled to respect, why did you neglect calling the attention of parliament to the Corn-laws in the Queen's Speech of 1840? Why reserve this general denunciation of the Corn laws till the period when you made an appeal to the people, and when you were in a minority of 80? Why reserve the question of the Corn laws to 1841? And, with your opinions with respect to these Corn laws, you brought them forward in a way most calculated to prejudice their consideration; for it is now perfectly clear that the view you at present take is a comprehensive, philosophical, and enlightened view, with respect to the operation of the Corn laws on the great branches of industry! No matter whether you raise one shilling, or one million, by the Corn laws, it is necessary to call attention to the causes which are drying up the sources of national prosperity! What reason could there be, after the commencement of 1840 (if it were not till then that your doubts were dispelled), that the Corn laws were not alluded to? What reason was there that, at the commencement of the session of 1841, you did not insert in the Queen's Speech some declarations analogous to those which you did insert when it was totally impossible to carry them? And when you did bring forward the question of the Corn laws, it was as the means of raising a revenue; and your proposal with reference to the Queen's Speech of 1841 must be construed as not a general recommendation to take the Corn laws into consideration, but only as a recommendation to adopt the tax of 8s. a quarter, which was the proposition deliberately made by the government. Do you adhere to it now, or not? When you recommended the Corn-laws in August, 1841, had the recommendation reference merely to vague general recommendations of inquiry, or had it reference to your specific proposition on the authority of government with reference to a duty of 8s. 8? If you

say you are not bound to adopt the duty of 8s., with what modesty can you call on me to announce my plan, when you already see reason to doubt the policy of applying a fixed invariable duty of 8s. a quarter on foreign corn? If you say the subject is still open to consideration, — that a new parliament may adopt new views, — and that the adoption of the 8s. duty may not be considered at all as a final measure, — if that be your view, you perfectly justify me in maintaining reserve till I mean to give practical effect to my proposals. But, on the other hand, if what you meant, and mean, be to impose a duty of 8s. a quarter on corn, to be levied invariably, and without reference to price, then may I say, you owe to me and to others some acknowledgment for not having allowed it to pass. This I will venture to affirm, that if it had occurred—(it might, possibly, have occurred at one time)—that, instead of there being a happy change in the weather, the weather had continued to be unfavourable, and corn had risen in this country to 90s. a quarter, we probably should have been assembled under your auspices for the purpose of asking a parliamentary authority to abate the duty. If your proposal had been granted by parliament, at this moment a duty of 8s. a quarter on foreign corn must have been imposed; and I think there must be some who, in contrasting the present operation of the Corn-laws, which is admitting a great quantity of foreign corn for the consumption of the people at the duty of 1s., will be of opinion with me, that circumstances might have occurred which would have made the levy of an 8s. duty exceedingly embarrassing and oppressive.

Now, Sir, with respect to the subject of finance. The noble lord laments, also, that I have brought forward no proposals for effecting a permanent taxation, in order to meet the present deficiency in the revenue. Again, I deeply regret that the noble lord has not taken the decision of the House on this point. I wish the appeal to be made to the deliberate judgment of all. Having been in possession of power three weeks,—having had, during that interval, the charge of forming the government, and of making all the arrangements of government,—having, of course, to devote some portion of time to the consideration of the foreign policy of the country,—I should wish to appeal to the House, whether I should bring forward at once a measure involving the permanent taxation of the country? And from whom does this charge come? What is the position in which I inherit office? For five years the gentlemen opposite have held power. In the year 1838, there was a deficiency between the revenue and the expenditure of £1,128,000; in 1839, there was a deficiency of £430,000; in 1840, there was a deficiency of £1,457,000; in 1841, there was a deficiency of £1,851,000; making a gradual accumulating deficit, on the 5th of April, 1841, of £5,166,000. In the year that ends the 5th of April, 1842, it is estimated, and estimated with lamentable truth, that the deficit for this single year will amount to £2,500,000; making a total deficit—an accumulation of deficit (if I may use such a phrase)—for the last five years, of £7,666,000.

I come to the administration of the finances. I have been in office for a month, and I am asked at once to propose a plan for the permanent taxation of the country. Is that fair or reasonable? And what lights have I to help me? If I adopted your budget, should I repair the deficiency! So far from it, that I proceed to show, as the noble lord has provoked me to this discussion, that even if your budget had realised all your expectations, you must still have proposed a vote of credit, in order to repair the deficiency, to the amount of at least £800,000. Fore seeing that there was to be a deficit of £2,400,000, you proposed your financial measures to repair this deficiency. You proposed to diminish the duty on Baltic timber, and to increase that on Canada timber, and the Chancellor of the Exchequer took credit for £600,000, to be derived during the present year from the change in taxation. Now I will prove, to the satisfaction of every one of you, that not 1s. of that £600,000 would be realised. I am not now discussing the commercial policy of an alteration in the timber duties; I am only considering a more limited question—the financial effect of such a proposition as it bears on the budget of the present year. Had I adopted your budget, then should I have escaped the necessity in which I am now involved? What says Lord Sydenham? He says, on the 24th of April, 1841,—"Great alarm is naturally felt by those engaged in the timber trade in Canada, at the prospect of any alteration in the duties levied on wood in the United Kingdom."

He says,—“The question must be resolved by parliament, according to the view it takes of the general interest.”

After some other paragraphs, which are not material, Lord Sydenham goes on to say,—“If any change should be determined on, disturbing the proportion of duty paid on colonial and foreign timber, care should be taken to diminish the loss to individuals by making it gradual, which is most just and politic; but, above all, I must express my hope, that, in whatever alteration is adopted, the recommendation of the committee of 1831, of which I was chairman, will be adhered to, namely, that the change should not affect the importations of the year; which would be an act of extreme hardship to the colony.”

I turn to the recommendations of the committee, of which Lord Sydenham was the chairman, and I find these are the recommendations to which he alludes:—“Resolved, that it is the opinion of this committee, that such reduction be made, so far as may be consistent with the interests of the revenue, without any augmentation of the duty on colonial timber.” “Resolved, that it is the opinion of this committee, that, in any alterations made, such alterations should not affect the shipments made in the year 1836.”

In the first place, I must observe, that the measure of the late Chancellor of the Exchequer was completely at variance with the recommendation of Lord Sydenham; for the committee of which he was chairman resolved, that in case of any relative alteration in the duty upon foreign and colonial timber, it should at least not take effect by way of an augmentation in the duty on colonial timber. The report is dated August, 1835, and it further recommends that, if any alteration should take place, such alteration should not affect the shipments of 1836; that is, Lord Sydenham, in August, 1835, recommends that the duty, as altered, should not take effect till 1837; and he, the Governor of Canada, responsible for the peace of that important colony, in April last, strongly recommends you to adhere to the recommendations of 1835. If you had done so, as I am confident you would, is it not as clear as day that not a shilling would have been received to meet the deficiency of the year ending April, 1842, from the alterations you proposed in the timber duties, and consequently, that the item of £600,000 must be absolutely struck out of the budget? Adding that £600,000 to the £800,000 to which I have before referred, there is an actual deficit of £1,400,000, for which there has not been even an attempt at provision.

I now come to the sugar question. From the alteration which was proposed in the sugar duties, the right hon. gentleman opposite calculated he would derive £700,000; that sum was to be raised in consequence of the importation into this country of foreign sugar, on which a duty of 37s. per cwt. was to be levied, being a differential duty of 12s. in favour of British sugar. From the reduction of duty on foreign sugar, £700,000 was to be raised. But there has been such a reduction in the price of British sugar, without the introduction of foreign sugar, that there is great reason to doubt whether, if the calculations of the right hon. gentleman were correct, any considerable quantity of foreign sugar would have been imported. The state of the market in sugar, the produce of British colonies, is very remarkable. It really does afford some satisfactory ground for entertaining a hope that the circumstances of the country are—slowly, I fear, but—gradually, already recovering. I won't speak with confidence; I earnestly hope it may be so. I have in my hand a statement of the weekly average prices of British muscovado sugar from the 4th of May to the 7th of September, 1841, compared with the corresponding period of 1840, exclusive of duty. It is as follows:—

Weeks.	1840.		1841.		Weeks.	1840.		1841.	
	Per cwt.		Per cwt.			Per cwt.		Per cwt.	
	s.	d.	s.	d.		s.	d.	s.	d.
May 4. . .	42	9	36	1 $\frac{3}{4}$	July 13. . .	57	3	35	9 $\frac{1}{2}$
May 11. . .	44	10 $\frac{1}{2}$	35	10	July 20. . .	57	2 $\frac{3}{4}$	36	0 $\frac{1}{2}$
May 18. . .	44	9 $\frac{1}{2}$	38	2 $\frac{1}{2}$	July 27. . .	57	0 $\frac{3}{4}$	36	10 $\frac{3}{4}$
May 25. . .	46	2 $\frac{1}{2}$	39	11 $\frac{3}{4}$	August 3. . .	57	4 $\frac{1}{4}$	37	7 $\frac{1}{2}$
June 1. . .	45	5 $\frac{1}{4}$	38	2 $\frac{1}{2}$	August 10. . .	56	9	36	3 $\frac{3}{4}$
June 8. . .	45	4 $\frac{1}{4}$	37	11 $\frac{1}{2}$	August 17. . .	57	1 $\frac{1}{4}$	36	3
June 15. . .	44	6	37	8	August 24. . .	58	1	36	4 $\frac{1}{2}$
June 22. . .	45	10 $\frac{1}{4}$	36	7 $\frac{1}{2}$	August 31. . .	58	3 $\frac{3}{4}$	36	3
June 29. . .	50	11	36	2 $\frac{1}{2}$	September 7. . .	58	9	34	8 $\frac{3}{4}$
July 6. . .	55	11 $\frac{1}{2}$	35	2 $\frac{1}{4}$					

I believe that in the first of these periods (1840) the average price of British sugar was not less than 50s. I have not the exact calculation of the averages, but I should think the average price was much more. I take the last six weeks included in the return from the 3rd of August, for each following week to the 7th of September. The price of British sugar per cwt., duty not being paid, was 57s. 4½d., 56s. 9d., 57s. 1½d., 58s. 1d., 58s. 3¾d., and 58s. 9d. Let me then compare the same weeks in 1841—37s. 7½d., 36s. 3¾d., 36s. 3d., 36s. 4½d., 36s. 3d., 34s. 8¾d. Compare, again, the last week of the year 1840, the week ending the 7th of September, with the corresponding period of the present year. The price of British sugar per cwt., for the week ending the 7th of September, 1840, was 58s. 9d., and for the same week in 1841, the price was 34s. 9d., being a reduction in the price of sugar of 24s. per cwt.; and the average price of sugar, since the 4th of May, if we take all the weeks, does not exceed 36s. 8d., being subject to a duty of 25s. The noble lord said that the lowest price at which foreign sugar could well be imported was 61s. Calculating its produce at 22s. per cwt., the duty of 37s. made it 59s., and we may add 2s. per cwt. on account of the increase of price which will arise from its admission to internal consumption; 61s., then, is the price at which foreign sugar can be profitably used. But the grower of colonial sugar has continued to supply you with sugar which, after paying duty, does not exceed 61s.; therefore little or no importation of foreign sugar would take place; and if that be so, what becomes of the £700,000 which was calculated to arise from the duty on foreign sugar? I won't strike off the whole £700,000, but I must strike off £500,000, and having got £1,400,000, not in hand, but exactly the reverse, and adding this £500,000, my deficit already amounts to £1,900,000, for which the late Chancellor of the Exchequer must have made provision, either by new taxation or by a vote of credit—I doubt not he would have preferred the latter.

Then I come to the question of corn. We were to raise the duty on corn to the amount of £400,000. But in order to justify the calculations of the Chancellor of the Exchequer, the duty raised from corn alone must have amounted to £1,500,000.

Lord J. Russell.—No, no!

Sir R. Peel.—I beg the noble lord's pardon. I am speaking from my recollection of former debates, but I believe my statement will be found to be correct. The late Chancellor of the Exchequer said, that he estimated the produce of the customs in 1841 to be equivalent to the produce of the customs in 1840. Now, a portion of the customs duties in 1840 was £1,100,000 received from corn, and consequently that £1,100,000 must be added to the £400,000 for which the right hon. gentleman took credit in his budget; because, if there was any deficiency in the £1,100,000 received from corn in 1840, there would be a corresponding reduction in the customs duties of 1841. Therefore, unless you could raise £1,500,000 from corn, in 1841, the deficit, which I think I have already clearly shown amounted to £1,000,000, must have been still more largely increased; and, however cordial the co-operation which the noble lord may receive from those who sit behind him, yet, when I listen to what they state with respect to "the bread tax," and the injustice of subjecting to heavy duties that which forms the staff of the people's subsistence, they won't hear. I am sure, with very cordial satisfaction, that that part of the budget was to levy £1,500,000 on the food of the people. Indeed, although I know it is utterly impossible for me to expect the concurrence of honourable gentlemen opposite, they will say the advantage of trade, the regularity of commerce, will be greatly promoted by a fixed duty on corn; yet, if I could meet them privately, and ask whether they would, when wheat was at 83s. per quarter, have an importation of 1,000,000 quarters at a nominal duty of 1s., or at a fixed duty of 8s., divesting themselves of their political feelings, there can be no doubt which they would prefer. The Chancellor of the Exchequer took credit for a deficit of £2,500,000, although I have certainly had very little opportunity of considering these things, I have devoted some time to the inquiry whether or not that deficit of £2,500,000—supposing the present amount of the revenue continue—is, in point of fact, the whole deficit on which we may calculate; and I am bound to say to the noble lord that the prospects of future years are far from satisfactory. The Chancellor of the Exchequer struck out from the expenditure of the present year £400,000 for the operations in China; estimating for the future, he said he did not think we should be called on to provide anything like that sum in any future year. Are these expectations likely to be realised? I say nothing whatever of the policy of the operations in China; but I

do ask if it is not probable that the demands made on us in future years for the expenses of these operations will far exceed £400,000? Here is the estimate of "the sum required to be voted in the year 1841, on account of the expenses of the expedition to China—£400,000." The expense already incurred appears, by the last return presented to parliament (No. 274), to have amounted, so far as it can be at present estimated, to £625,293. This paper is dated the 28th of May, 1841, and I venture to say the greater portion of the sum stated had been already incurred in October, 1840. Now, you have to provide for the expenditure which has accrued since October, 1840, and what means have you of judging of its amount? This is all the information the estimate gives—"N. B.—No accounts have been received from which an accurate estimate can be framed." I have read in the public papers some information on this point which appears to have come from tolerably good authority. With respect to the Chinese expedition, H. L. Fleming Senhouse, captain of her Majesty's ship *Blenheim*, writing from Amunghoy, March 10, 1841, states: "We have been exercising for eight months the most extreme and unparalleled forbearance and kindness to the Chinese, thereby incurring an expense of probably the full amount of the remuneration we are seeking."

Depend upon it, great additional expense will be incurred. I am not implying any opinion favourable or unfavourable on the political question; I refer now merely to its financial aspect, and I say no prudent Chancellor of the Exchequer, calculating the future expenditure of the country, will omit from his estimate the probable demands of the Chinese expedition. The noble lord wishes—or at least he makes a speech calculated—to produce unfavourable impressions, and add to the difficulties which encompass me on my introduction to office. I do not hesitate to say to the noble lord, I look with alarm to the growing tendency to expense in our colonial dependencies. Here is a paper which was presented the other day for the expenses of the civil establishment at Hongkong—£900,000 for the present year only; but I cannot say how much further, next year, the absolute necessity for increased establishments, which all colonial governors see more strongly than the treasury at home, may possibly carry it. This is the position in which I am called upon to estimate the probable expenditure of the country, and make adequate provision to meet it. I come now to New South Wales. I have read a despatch dated 31st January, 1841, from Sir George Gipps to Lord John Russell, in which he states that he has issued a great number of bounty warrants, the total number of persons emigrating being 71,315, and the estimated amount of bounties on them £979,562, payable in two years. The noble lord contemplates this demand with great alarm, and he rebukes the governor for incurring it. The noble lord most justly says—"The same mail which has brought to me this report of the commercial embarrassments of New South Wales, and of the over-trading and ill-advised system of credit to which you ascribe them, has also brought me your despatch of the 31st of January, 1841 (No. 29), on the subject of bounties on emigration. From that despatch I learn that you have given orders for bounty, payable within two years, for no less a sum than £979,562. This is a fact which has arrested my most serious attention, and which I cannot regard without deep anxiety. It will form the subject of a separate communication, which I shall address to you as soon as I am in possession of the results of certain inquiries which I have thought it right to institute. For the present, I can only express my earnest hope that the commercial embarrassments which you have depicted will have suggested to you the absolute necessity of abstaining from the multiplication of such orders. On the part of her Majesty's government, I must disclaim any responsibility for this proceeding, and any obligation to ratify your engagements to the enormous extent to which you have entered into them. On the other hand, as to the colony, it appears that at the moment of the commercial embarrassments to which you have referred, there were afloat in the market, bounty orders amounting to nearly £1,000,000 sterling, the whole of which, it is but too probable, the colonial treasury may be called upon to redeem. It is difficult to measure the effect which such an operation must have had in stimulating that reckless spirit of commercial enterprise to which you ascribe the disasters of the colony; but it is clear that the effect must have been very considerable. It is impossible to regard a financial operation of this kind as one in which the British treasury are not deeply interested: if proof of this were wanting, it would be abundantly supplied by the experience of the present year, in the case of South Australia."

Here we are, says the noble lord, in the greatest commercial embarrassments; and if it be lawful for a humble official instrument to imitate his superior, the governor acts upon the principle that the greater the financial embarrassment the more liberal should be the expenses of the colony! The noble lord checks that profuse expenditure, and insists upon the governor taking immediate means to recall the bounties; but, do what he can, he will not leave less than £500,000 to be provided for, some way or another. The colony is wholly unable to make the necessary provision, and the door at which the colony will knock does not require any specific indication. I hold the government responsible for the appointment of those instruments who have made engagements to the amount of nearly £1,000,000. Such are some of the items which I must consider, and I demand that the House will, in justice to the interests at stake, give me the opportunity of doing so. I have taken you from Hongkong to New South Wales; let us now come to South Australia. Such was the desperate state of that colony that, last year, we were called on to provide £155,000 to meet the expenses which had been incurred there. Since then, £14,000 has been incurred, for which no provision has been made. The bills have been protested on the British treasury, and I only fear we shall be obliged ultimately to pay the bills and the expenses of protest too.

I now come to New Zealand, and I find that bills to the amount of £33,000 have been drawn from New Zealand upon the treasury of New South Wales—that treasury which is without means of paying its own liabilities. But do not flatter yourself that this is half the demand; there are indications that £54,000 more such bills are on their way. Thus a sum of between £80,000 and £90,000 will be required to meet them. The estimate taken was, I believe, only £6,000.

Now, with respect to Canada. Since the budget was brought forward, what has taken place? There was distinct intimation that the credit of this country was to be guaranteed for a loan of £1,500,000. I do not question its policy; I am not questioning the propriety of adhering to engagements entered into under the circumstances in which Canada is now placed. But you have also guaranteed the application of £100,000 annually, for the fortification of Canada, for which no provision has been made.

Lord J. Russell.—Yes.

Sir R. Peel.—I thought the despatch from Lord Sydenham had been received subsequently to the presentation of the estimate. I give perfect credit to the noble lord for the vigilance he has shown in attempting to stop abuses, when they have become known to him, and the very proper rebuke he administered to the Governor of New South Wales; but, in detailing these various items of expense, for which no provision has been made, have I not preferred an almost conclusive claim as to the justice of permitting me to review all these subjects before I am called upon to provide for them? The noble lord says, parliament should not separate till some financial measure for the year has been brought forward. Would it not, first of all, be advisable, to see exactly the relations we may entertain—I hope an amicable settlement of our differences—with the United States? Before we can propose any general financial scheme, we should at least be allowed an opportunity of a few weeks, to consider the position in which we stand with respect to our commercial treaties with Naples, Texas, and the Brazils, and, above all, with France. I say nothing as to the policy of that treaty with France; but it is notorious that it was broken off in consequence of the quadruple treaty of July 15. There may be a disposition to resume the consideration of this subject; but, at least, will it not be absolutely necessary, before any permanent settlement of the revenue can be attempted, that we should exactly comprehend the position in which we stand on the subject of this commercial treaty? If that treaty should propose the admission of French brandy at a greatly reduced duty, is it not quite clear that such a measure must greatly affect taxation? It will undoubtedly affect the taxes levied both on British and colonial products, and on the wines of other countries. And will it be possible, maturely and satisfactorily to consider questions of this nature until you have first decided what are to be your commercial relations towards France? I have not yet had the slightest opportunity of reading any correspondence which has taken place with France in reference to these matters; other more pressing subjects will, for weeks, intervene to prevent me from doing so. Is not that, again, a conclusive

reason why the House, whatever distrust any part of it may feel in the constitution of her Majesty's government, should not refuse the demand I made for time to consider of these things—a demand, not founded on considerations of personal convenience, but on a regard for the public good? Is it not the best course to bring these questions to a close at the time at which they are taken up? Is it not right that they should not be proposed on the responsibility of government, without some further time than has yet been afforded to my colleagues and myself for the purpose of considering these vast and difficult questions? The noble lord has done me justice, in a frank and handsome manner, with respect to the course I have pursued in advising the Crown as to the constitution of the government of Ireland; but if, already, I have attained some degree of confidence on that ground, let me remind the noble lord what were the confident predictions made, some time since, relative to the course which I should be obliged to take in framing the executive of that country. Was I not told, night after night, that I did not dare to form a government which would attract general confidence? Was I not told, that I must be the instrument—the reluctant and degraded instrument—of men who were ready to offer every insult to their Roman Catholic fellow-countrymen—to hoist the standard of ascendancy, and to demand from me complete and servile acquiescence in their views? That was predicted as the inevitable consequence of my accession to power; and yet, not a month has passed, when the noble lord admits that, over that difficulty, at least, I have triumphed; and that I have constituted the government of Ireland in a manner to give a guarantee that the universal people of that country will be treated with impartiality and justice.

Sir, I have made no concession, for the purpose of conciliating support in the House of Commons; I intend to administer the law with fairness, and, I hope, with firmness and vigour. I will not permit the administration of Irish affairs to be influenced by the hope of conciliating parliamentary support. From the confidence which the noble lord expressed, I have a right to say that the engagement into which I have entered, of administering impartial justice in the government of Ireland, shall, so far as depends upon me, be strictly carried out. The appointments I have made—the appointment of my noble friend, Earl de Grey, who, with great reluctance, was induced to undertake the important functions of his high office, and to withdraw himself from occupations and enjoyments most refined, most honourable, most creditable to every man of high station—the appointment of Lord Eliot—the appointment of my right hon. friend, Sir E. Sugden, to the Chancellorship of Ireland—do, I think, give guarantees, as strong as any public appointments can give, of my resolution to adhere to those declarations. My right hon. friend, the Chancellor of Ireland, as he was in the receipt of a pension for former services in that capacity, honourably acquired by him as some compensation for the sacrifice of his professional emoluments—although for a brief discharge of judicial duty—felt it incumbent upon him, conformably to the principles which have always actuated him, at once to resume the position he had before held in Ireland. But I do not hesitate to say, that if any circumstances had occurred to prevent the resumption of office by my right hon. friend, I would have selected from the Irish bar the Irish Chancellor—I would have paid that compliment to a profession which stands as high as any other in the empire. The noble lord, after having, not reluctantly, but at once, admitted, that I had triumphed over the difficulties which threatened my course with respect to Ireland, says, that on account of the composition of the government, and the menaces which have been held out in parliament, it will be impossible for me to perform my public duty on other questions which concern the domestic policy of the empire. I can assure the noble lord that it is my intention to act upon a sense of public duty, and to propose those measures to parliament which my own conviction of public duty shall lead me to think desirable. Sir, it is right that there should be a distinct understanding as to the terms on which a public man holds office. The force of circumstances, and a sense of duty to the country, have compelled me to undertake the harassing and laborious task, in the performance of which I now stand before you. What can be my inducement to undertake that task, and to make the sacrifices which it entails?—what but the hope of rendering service to my country, and of acquiring an honourable fame? Is it credible that I would go through the labours which are daily imposed upon me, if I did



not claim for myself the liberty of proposing to parliament those measures which I shall believe conducive to the public welfare? I will claim that liberty. I will propose those measures; and I do with confidence assure this House, that no consideration of mere political support shall induce me to alter them. I will not hold office by the servile tenure which would compel me to be the instrument of carrying other men's opinions into effect. I do not estimate lightly the distinctions which office confers. To any man who is fit to hold it, its only value must be, not the patronage which the possessor is enabled to confer, nor the personal distinction it confers on him, but the opportunity which is afforded to him of doing good to his country. And the moment I shall be convinced that that power is denied me, to be exercised in accordance with my own views of duty, I tell every one who hears me, that he confers on me no personal obligation in having placed me in this office. Free as the winds, I shall reserve to myself the power of retiring from the discharge of its onerous and harassing functions, the moment I feel that I cannot discharge them with satisfaction to the public and the approval of my own conscience.

A long discussion ensued, and the House went into committee.

## SUPPLY.—STATE OF THE COUNTRY.

SEPTEMBER 24, 1841.

The Order of the Day having been read for the House going into a Committee of Supply,—

Mr. J. Parker expressed his surprise at the continued silence of the right hon. baronet, as to the views which it was the intention of government to adopt on the subject of the Corn-laws. He thought the people had a right to know a little of the policy of the right hon. baronet on the important subjects which have been so long under consideration.

SIR R. PEEL.—Sir, I confess it appears to me that, if I were to take the advice of the hon. member for Sheffield, I should not give that satisfaction to the country which he requires me to give. For all that the hon. member demands is, that I should give a “little development” of my intentions. Now, I can really see no great practical advantage in a “little development.” It appears to me that the course which I propose to pursue is a much more rational one than that which the hon. member has suggested. The course I proposed to pursue, on being called, with my colleagues, to the administration of public affairs, to repair, if possible, some of the enormous embarrassments in which the country has been involved by the late government, so far as financial affairs are concerned,—was to ask from the House sufficient confidence to enable us to take a comprehensive view of the whole position of the country; and a short—a comparatively short—period (considering the importance of the questions to be discussed,) to mature our plans, and submit them to the consideration of parliament. That really appears to me to be a far more reasonable course than that I should make a “little development” of my views. Why, what should I say on the subject of the Corn-laws? If the Corn-laws are to be considered at all, is there any other alternative than that of fully stating the measure of the government? Is it not infinitely better that nothing should be said till the plan is maturely prepared, and ready for the consideration of parliament? What advantage would arise from merely hinting at details, and then postponing the consideration of them? It was only the other night that I was told, from the other side of the House, that nothing would be so unwise as to bring forward the discussion upon the Corn-laws without taking into account the question of the Poor-laws. I was told that these two subjects were so intimately connected, that I ought not to develop the views of the government with respect to one, without, at the same time, explaining them as to the other. Again: was I not told during the last session, that the consideration of the Corn-laws is essential to any wise system of finance—that finance is so interwoven with the Corn-laws that they could not be separated, and that the introduction of the Corn-laws into the budget had happened because the government thought they ought not to be disconnected,—that they must never be distinctly considered? If, then, the opinions thus expressed on the other side be correct, is it not perfectly clear that I ought, at the same time, to propose the plans

of the government with respect to all these great questions, pressing, as they all equally do, for consideration? I stated, last session, that, if the opposition which I conducted should be successful, I would not be forced into a premature declaration of my opinions. Since that time, the opinion of the country has been taken, by an election, under the auspices of the late government; and, whatever may be said by hon. gentlemen opposite, the opinion of the country has been evinced in favour of the course which I pursued, and the reasonableness of the demand which I made. I distinctly stated that, if my opposition proved successful, I should not, on assuming power, immediately bring forward any financial plan; that I would ask for the temporary means of supplying the presumed deficiencies of the year; but that I would wait till I had prepared a matured measure. I said this before the late election,—the constituencies were well aware of it; yet the consequence of that election has been such, that her Majesty's late government could no longer continue in office. The hon. gentleman the member for Manchester says, that I maintain a perfect reserve. Well, but the country knew of that reserve,—the country demanded no more explicit declaration of opinion from me,—and, notwithstanding that reserve, the late government were left in such a minority that they were forced to abdicate. [Mr. Gibson, By the counties.]—The counties! the constituencies of this empire, as formed by the Reform bill of the noble lord opposite. But this is always the way. The moment the party opposite is unsuccessful,—the moment they are deprived of public confidence, and a declaration of public opinion is made against them,—a new Reform bill is threatened. It is said that the real opinion of the country is, after all, at variance with the result of the election. If that be so, how happens it that, although by reason of the change of government some thirty seats were vacated, and it became necessary for those members of the government to appeal to their constituents, not one, hitherto, has been defeated? Nay, more, with the single exception of that formidable opponent which was first offered to me, and then to my noble friend, on the part of the same individual candidate, not one of the members of the government have met even with an opponent. Certainly, the hon. member for Manchester has a right to make the most he can of his Mr. Acland, for he is the only opponent the government met with on the re-elections. [Cries of "Hear, hear!" and laughter.] To be sure, this formidable opponent was formally proposed and seconded.

Mr. Gibson.—And had the show of hands.

Sir Robert Peel. Oh, yes,—the show of hands; but he had such small confidence in that popular demonstration that he did not go to the poll. Now, it was not from any disrespect to the two hon. members who commenced the discussion, nor from any indifference to their representations, that I refrained from rising immediately after the hon. member for Manchester; but I think, after the discussion of the other night,—not at all, however, questioning the full right of the hon. members to take the course they have pursued, if they deem it proper,—yet I must say I think it is an unusual course to interrupt the committee of supply with a discussion which can lead to no practical result. I understood that the hon. member for Renfrewshire wished to make some statements of a peculiar character and importance affecting his constituents—statements which cannot have been listened to without pain; but I did not imagine that the hon. member intended to provoke a discussion upon the subject debated the other night. And, considering what the hon. member has said of the distress of his constituents, and all the sympathy which he has expressed for that distress, I must say that I am surprised he should have found time to concoct that laboured series of exceedingly bad jokes about musical instruments, by which it seems that he is desirous rather of the reputation of jocoseness and wagery, than of recommending himself to the gratitude of his constituents. The hon. gentleman convinces me, also, that, notwithstanding the prominent position he occupies, his counsel, as an adviser under the present difficult circumstances, is not altogether to be depended on; for the hon. gentleman says that he attributes a great part of the defectiveness of the existing constituencies to the retention of the old freemen in the boroughs; that, in the first instance, he was resolved not to maintain the rights of those old freemen, but that he ultimately did so; and the hon. gentleman gives no better reason, to justify the course which he took against his own resolve, than the personal obligation he felt to those freemen for having

returned him to parliament on four successive occasions. This clearly proves that whatever course the temporary interests of his constituents may require him to take, will prevail over the enlarged views of his own mind. So far has the hon. gentleman carried this principle, that, having to repair the vessel of the state, he consented to vote for the insertion of that which, according to his own words, is a "rotten plank." This is the hon. gentleman's description of his own policy as a legislator; that, owing obligations to certain freemen, he purposely inserted a rotten plank in the vessel of the constitution. The hon. gentleman, therefore, will permit me to detract considerably from his authority, as a counsellor, after that declaration of his past course in reference to the interests of his constituents.

As I have said before, I deeply sympathise with the distressed portions of the population in certain parts of the country. I do not deny the existence of distress; which I believe to be most painfully felt in some districts. But it is most important that those upon whom the duties devolve of laying the foundation, if possible, of a remedy for those distresses, should not be driven into hasty and precipitate measures, in the hope of applying an immediate effectual remedy. I am certain that the deliberate sense of this country is, that those who are now intrusted with the administration of public affairs should have an opportunity of ascertaining to what causes the distress which prevails in some quarters of the land is attributable, before they attempt to devise measures to remove it. It is of very great importance that they should be enabled to ascertain, if possible, to what causes that distress is to be ascribed. I have heard those, who now are most actively engaged in anti-corn leagues, attribute that distress mainly to those very causes, for alluding to which her Majesty's government is now ridiculed, namely, the artificial stimulus which was applied to production by means of the excessive issue of bank notes. The chamber of commerce of the town which the hon. gentleman represents distinctly stated, in reference to manufactures, and to the manufacture of cotton in particular, that they were in a state of prosperity up to the year 1836. That prosperity certainly was co-existent with the present system of Corn-laws. But the chamber of commerce declared, that, in consequence of the misconduct of the Bank of England, followed by the misconduct of the joint-stock banks, there was, first, the most extravagant stimulus given to manufacturing speculations; advances were made by joint-stock banks to manufacturers and owners of cotton mills; machinery was placed in those cotton mills, the machinery and the buildings being assigned as a security for the advances. Then came a revulsion in trade; and then came a demand for money. The mills were stopped; and the security, being of little value, realised but a comparatively small sum. Those were said to be the causes of all the embarrassment and distresses of the manufacturers. But now it is alleged that the Corn-laws are the cause of all the mischief. I must declare, however, that I am morally certain that the evils are to be attributed to other causes. When, therefore, the hon. gentleman, in making a reference to free trade, asks me to come forward and propose a new Corn-law, I will ask him, in return, if he will be satisfied, now that corn can be admitted at 1s., that I should propose that the duty be not less than 8s.? I know very well that her Majesty's late ministers will allege, that had the 8s. duty been adopted before, the distress might have been prevented. But I will not enter into a retrospective argument. I will return to the subject before the House. You ask me for the sudden proposition of remedial measures; and I ask, in reply, whether you would be satisfied were I to propose the adoption of that remedy which has been heretofore propounded—namely, an 8s. duty, instead of a duty of 1s.? If you tell me that you would not be satisfied with that proposition, and that the increased duty on the importation of corn would only aggravate and extend the distress, you must admit that some other course must be adopted to remedy the evil.

The hon. gentleman asks me whether or not I deny the existence of the distress? Certainly not. I fear that in the manufacturing districts it has been very general, and that it has been most severe in certain places, particularly in those connected with the cotton manufactures; but while I express feelings of the deepest regret at its existence, I must say that I do not think it wise to take so desponding a view of it as some hon. gentlemen seem disposed to take. I do not believe, generally speaking, that the condition of this country is such as to forbid all hope of returning prosperity. Among the many documents which any person wishing to consider the

position of this country would be naturally led to examine, even if from some of them no very lucid inference can possibly be drawn, there is one of great importance and value in regard to the kind of information which it conveys; and to such a document, of course, those who have the management of public affairs, and who must necessarily be impelled to ascertain the precise condition of the country, will direct their attention. The document to which I allude is "an account of the principal sums paid into the National Debt Office, and drawn therefrom, by the trustees of saving banks and friendly societies during the following periods." The hon. gentleman the member for Renfrewshire, referred to the friendly societies, and stated that they are unable to afford relief; and the hon. gentleman thereupon inferred that I must therefore calculate upon an universal system of private benevolence, for the purpose of supporting the poor and relieving their distresses. I am at a loss to discover from what the hon. gentleman draws such a wide conclusion; and I hope to be able to show that the hon. gentleman is wrong with respect to the friendly societies. I know how unsafe and unwise it is to lay one's self open to the charge of indifference to distress, by the attempt to correct mistakes of this kind. Yet, if misapprehensions and mistakes exist, they ought to be corrected. The savings banks will most probably be affected by causes similar to those which affect friendly societies; and although I do not deny the distress which now exists, I think that in the document which I hold in my hand I see indications which forbid the application of any instantaneous remedy. This document is an account of the principal sums lodged in the savings banks of the United Kingdom, from which it appears that in the month of June, 1841, the sum of £66,422 was paid in, while the amount drawn out was £86,364; exhibiting certainly this melancholy fact, that the sum drawn out exceeded the sum paid in by nearly £20,000. In July, however, the sums paid into the savings banks reached £125,917, and the sums drawn out were only £87,061. This is a most material change. In the month of August the deposits altogether were £100,033, and the sums drawn out £50,004 only. Now, let the House just observe, that in June the sums withdrawn exceeded the sums paid in by nearly £20,000; and that in the month of August the sums paid in exceeded those drawn out by £50,000, doubling in fact the withdrawals. I will not presume to say whether this remarkable change is partly or chiefly owing to the confidence engendered through the country in consequence of the change in the administration—[Cheers from the ministerial benches, and laughter from the opposition.] The hon. gentleman perhaps may think that I take rather an interested view of the matter; but I assure that hon. gentleman that one of my reasons for hoping for improvement in public affairs is the increased confidence of the country in the present administration. In that hope I am confirmed by this fact, which may be considered, perhaps, as only simultaneous with the change of ministry, and not in the nature of an effect resulting from a cause, that whereas in the month of July the sums drawn out of the savings banks were nearly £20,000 more than those paid in; when the presage of the change in the administration was about to be realised, the sums paid in exceeded those withdrawn by £50,000. I state the fact only; I draw no inference from it; but it constitutes an additional reason for not taking any rash or too sudden a step. Again, the sums paid in from the 28th of August up to the 11th of the present month amount to £32,325, and the sums drawn out to £20,850; showing another increase in the deposits. The hon. gentleman may say that these are not satisfactory indications of the condition of the working classes. I agree in such an opinion; but at the same time, the argument always has been, that the state of the working classes is pretty well demonstrated by the manner in which the small retail dealers find themselves affected by passing circumstances; and, perhaps, there cannot be a more satisfactory test of the state of the small retailers than the state of the savings banks, particularly in manufacturing districts. But it will be said by the hon. gentleman, perhaps, that this return is for the United Kingdom; and that, as it does not discriminate the manufacturing from the agricultural contributors, it is no evidence on the subject of manufacturing distress. That is true so far as that it is a return for the whole kingdom; and what I want, and what I mean to move for, is, a return discriminative of the contributions in the agricultural and manufacturing districts,—separate returns, in short, from each. I have, however, procured a return of the

deposits paid into the savings banks in the manufacturing districts, embracing Lancashire, Yorkshire, Cheshire, Glasgow, Birmingham, Coventry, Nottingham, and Paisley, for the last three months; and the result is, that the gross total of the sums paid in was £123,329, while the amount drawn out was £114,378; still showing, even in the manufacturing districts, an increase in the deposits. I am quite sure that great distress exists in parts of Lancashire; but still a view of the question must be taken upon the general results, rather than upon particular features. Within the last three months, however, even in Manchester, the amount of deposits was £25,555, while that of sums drawn out was but £22,740. It is therefore of great importance that time should be allowed to ascertain where the pressure is felt, and to make some inquiry as to the cause of that pressure. I think the government have shown that they are not indifferent to the distress that exists, and the production of the present document may be taken as a proof that they are attempting to ascertain the position of the country for the purpose of considering, and not of denying, the distress. At the same time I deprecate that exaggeration which demands immediate and precipitate, and, I must say, as a consequence, delusive measures, for removing it. The hon. gentleman the member for Manchester, speaking of the reserve with which he charges me, mentioned a single instance in which that reserve was broken. The hon. gentleman was not very fortunate in his selection of an exception. He stated that in the town of Manchester a candidate came forward having inscribed upon his banners, "Cheap bread! no Corn-laws, no Poor-laws, and, high wages! Vote for Murray and Entwistle!" But the cry of "Cheap bread, no Corn-laws, no Poor-laws, and high wages," failed of success; whilst those who were prudent enough to follow my example and maintain a complete reserve, and who said to the country, "We will make no rash and precipitate declarations; we have confidence in the government, and will give them full opportunity for maturing proper measures," were successful. But the unfortunate candidate in the manufacturing district, who put forth on his banners "No Poor-laws, no Corn-laws, cheap bread, and high wages," was rejected. I will not pretend to say whether the addition of the words "No Whiggery" tended to produce that effect; but it has been said that possibly it did tend to his downfall. The hon. gentleman, however, in selecting that single instance of failure, rather proves to me that the country was content with the reasonableness of the proposition which I made—that they did approve of that reserve. Although in the course of debate our attention may have been called to these questions; although it is impossible to deny that we are familiar with finance, with the Corn-laws, and with the Poor-laws; yet my firm belief is, that the intelligent and thinking part of the community in the three kingdoms are of opinion that, on the constitution of a new government, under the auspices of one who has been excluded from power for more than ten years, it is a rational and just proposal, as conducive to mature deliberation as to the adoption of wise measures, that we should take time to make inquiries, and avail ourselves of the opportunities and sources of information which official power affords to us; and having inquired, and called the attention of parliament to the measures we have to propose, we should then leave it to parliament to determine whether those measures are founded on just and wise principles, or not; and whether or not they are likely to conduce to the permanent welfare of the country.

The House then went into Committee, several votes were agreed to, and the House resumed.

## WAYS AND MEANS.

SEPTEMBER 27, 1841.

The Chancellor of the Exchequer submitted his financial scheme to the House, and proposed a series of resolutions for its adoption. In the course of the debate which followed, Mr. Hawes, Mr. Ewart, and Mr. W. C. Scott, implored the right hon. baronet not to allow parliament to separate without discussing the question of the Corn-laws, &c.

SIR ROBERT PEEL:—Sir, I hope the hon. gentleman the member for Lambeth, and the hon. member who followed him, as well as the hon. gentleman who spoke last, will not think that it is from any disrespect to them that I repeat my determination to adhere to the course I have already laid down on the subject under debate,—not to be driven to a premature development of my intentions during the present session of parliament. For I think it is more consistent with the duty which her Majesty's government owes to parliament and to the country, to consider calmly the state of affairs in all their bearings, and to make use of all the information which their position enables them to command, before they submit their measures to the opinion of parliament, than that I should bring them forward in a crude hasty form now, or, to use the expression of the right hon. gentleman the late Chancellor of the Exchequer, that if I did not give the country a full view of my plans, I should, at least, give it a glimpse of them. On that point I must again repeat my intention to adhere to my determination, as expressed the other night; and I must add, that I think the country would be less benefited than injured by such partial glimpses, as the right hon. gentleman wishes for. Such a course I consider more calculated to mislead the country than to set it right; and I doubt whether I should convince the hon. gentleman the member for Dumfries that I possess any firmness of character, if I departed from the course that I have laid down for myself on this occasion. The hon. gentleman has been pleased to say that force of character and superior intellect (which latter, he says, I possess) are seldom found combined in the same individual. I am much mistaken in my estimate of myself if I deserve the right hon. gentleman's panegyric; but he has one consolation, at least, if it be true, and that is, that if they are not combined in the same individual, they are combined in the same government. Sir, in the course of this debate, the late Chancellor of the Exchequer seemed to intimate that I was chargeable with a want of consistency with respect to my conduct now, and what it was when I was in opposition to the government. To that I will only reply, that it would imply very great inconsistency indeed on my part, if I were now to bring forward a charge of wanton and profligate expenditure against her Majesty's late government, while I offered no such opposition when on the other side of the House. The character of a government depends, in a great measure, on the nature and amount of its expenditure—on the foreign policy which it follows—and on the general measures it adopts; and I think it was quite impossible for an opposition to exercise any complete control over the expenditure of the country after particular measures had been adopted by the government. I shall exemplify this by putting a case in point. I shall take the case of China, for instance, as one of the most pregnant and apposite to my purpose. The late government adopted a certain course of policy with respect to that country; and the expenditure that may be necessary for the carrying out of that policy cannot be now foreseen. The present government, formed after the adoption of that system of policy, and bound by the circumstances of the case to carry it out, cannot, therefore, be charged with the expenditure that may be required. But it is quite consistent in an opposition to question the policy of the government, as well as the question of expenditure of its details. On that question, as on some others, I have found assistance where I had the least reason to expect it; and I have found it now on the other side of the House. The hon. member for Coventry has contrasted the estimates laid before this House in 1830, when my noble friend the Duke of Wellington was at the head of affairs, with the estimates of this year, as prepared by the late government; and the hon. gentleman has shown—I think very clearly—that the estimates of the Duke of Wellington's government, making every deduction for the unsettled state of Canada, and the expedition to China, exhibit a difference of £2,300,000 in favour of the country, as compared with those of her Majesty's late government for the present year. Now, it is very possible that the estimates lately presented by the hon. gentlemen opposite might be justified, on due explanation; but I certainly think that, on his own showing, the hon. gentleman has no grounds for withholding his confidence, on this point, from her Majesty's present government, or for expressing a doubt as to their economical intentions.

Mr. Williams.—I expressed no opinion on the subject.

Sir Robert Peel.—I do not care so much for the hon. gentleman's expression of opinion as I do for the decided proof he gave, in this instance, of his conviction what

that opinion ought to be. I did not expect so much candour on the part of the hon. gentleman as to hear him state his confidence in the government; and I am not, therefore, disappointed; but I thank him, nevertheless, for offering such very strong and decided proofs as he has done in the course of his speech, that such confidence should be placed in her Majesty's government. The hon. gentleman then went on to say that a reduction of £5,000,000 could be made in the expenditure of the country. If so, the hon. gentleman cannot deny that men intrusted with the functions of the government should have a sufficient opportunity of considering how close, or whether at all, the hon. gentleman's statement approximates to the truth. The hon. gentleman says that £5,000,000 might be saved to the country; he cannot, therefore, object to our having time and opportunity to ascertain whether he is right in whole or in part—whether he is right even within 50 per cent. of that sum, for that amount would make up the deficiency at present existing. I agree, however, with the Chancellor of the Exchequer, that it is quite delusive to hold out to the country the hope of any such reduction; and all I can promise is, that her Majesty's ministers will give the most careful consideration to all the estimates, and that whatever reductions can be made, compatible with the efficiency of the public service, and consistent with the honour and interests of the country, they will make. But it is altogether delusive to make promises, off-hand, of any positive reduction; and it is not to be thought of that such reduction should be attempted without the fullest previous consideration. To hold out the expectation to the public that any reduction to the amount of the present deficiency is practicable, is to excite hopes that can never be realised. The hon. gentleman rests very much upon the reduction he suggests in the expense of collecting the revenue of the country, and he institutes a comparison between the present cost of collection and that for a former period—a comparison apparently very much to the disadvantage of the latter. But when this subject is looked at a little more closely, no such discrepancy will be found, and it will be seen that there is little or no analogy between the cases quoted. Formerly, the officers employed in the collection of the revenue were paid, principally, by fees. That mode, however, pressing onerously on trade, the present system of salaries was substituted, and fees were in all cases abolished. The officers are now paid by salaries alone; and though the expense to the country at large has been somewhat increased in consequence of the alteration, I will venture to say that trade and commerce have been more than commensurately benefited.

With respect to the course I mean to pursue, I cannot expect that it will meet with the approbation of the hon. gentlemen opposite; but I cannot believe that it meets with such universal condemnation as they have stated—I cannot fancy such a thing, or think so ill of the reformed House of Commons; because, if that was the case, hon. gentlemen would be more ready to take a division upon the subject. I cannot help coming to the conclusion, that, if the country at large were opposed to my view of affairs, there would be many more indications of that opposition than there have been. I only ask one favour of the hon. gentleman. I entreat him, now, to recollect, at some future period, his description of the state of the country such as it was when we came into office. He says that from week to week and from day to day there has been a gradual and decided depression in trade—that the workpeople cannot exist because the masters cannot afford to employ them—that debts cannot be recovered or payments made for want of means to meet them; and he draws a piteous picture of the stagnation of all kinds of trade, and the universal and complete prostration of business. I beg the House to recollect this description at some future period. In those districts of the country connected with that most important branch of our national industry, the cotton manufacture, I have often had to admit the existence of occasional distress; and, in doing so, I deeply lamented the fact, while I expressed a firm conviction that it was but temporary. But I must take leave to caution hon. gentlemen against the too frequent custom of giving exaggerated descriptions of that distress, because, while it is a departure from the fact, it is a circumstance also calculated to inflame the minds of the people, and excite them against all government. And I think it is important, in all cases of statements made to the House, that the truth should be told. In respect, therefore, to such statements, this is the course I mean to pursue. When I hear of any case of individual distress,—when the facts are given, and not a general statement,—I am resolved to institute there-

upon an immediate inquiry into all the circumstances; and I shall avail myself, for that purpose, of the power placed officially at the disposal of the government, to probe the case to the bottom. If only vague, general descriptions of distress be offered, it will, of course, be impossible to make any inquiry of the kind; but wherever there is a case stated, with accompanying facts, into that inquiry shall at once be instituted. And I am sure you cannot better show your good will for the Poor-law commission, or their subordinate agents, than to make them the instruments of such inquiry. But the necessity for caution in making these statements of distress is strongly enforced by every circumstance that comes to my knowledge. One, for instance, I shall relate to the House, in exemplification of that necessity. In the course of a debate the other night, the hon. member for Ashton not only made a broad statement of the general distress of the manufacturing community, in the district in which he resides, but he also made a particular mention of the distress of an individual. These were his words. He stated that—"He (Mr. Hindley) had lately met with an individual, a working man, who had been obliged to go from master to master in consequence of the introduction of improvements in machinery. He had been last with a master who failed, and he was at present, in consequence, thrown out of all employment. He (Mr. Hindley) said, he was afraid that under these circumstances he must go upon the parish. The man answered, to the parish he had gone. He went to the parish of Royton, near Oldham, where he received from the overseer 1s. 6d. a week, to support a family of five persons. Was this right? Tell him not of party politics; he cared not what party was in power provided they consulted the good of the people. But what were the people to expect? The right hon. baronet told them that he should bring in a bill, yet that he would prevent these poor men from appealing from the merciless parsimony (he must call it so) of the overseer to the magistrates, or in any other quarter; that he must put up with this pittance, or go to a bastille. Before he sat down he must tell the right hon. gentleman that the great body of the people whom he represented were full of apprehension for the future and of suffering at present; and he implored the right hon. baronet to take these matters into his deepest consideration."

Now, Sir, in the course of this day, I received the following letter in reply to the statement of the hon. member; and, as I have read the one, I will, if you please, read the other:—

OLDHAM, Sept. 21, 1841.

Right Honourable Sir,—At the petty sessions in Oldham yesterday, I called the attention of the overseer of Royton to the inclosed statement in the *Times* newspaper, which, after reading in the presence of myself and two other magistrates, he pronounced to be absolutely untrue. He also added that the *Standard* had been handed to him a day or two before, which contained a similar account, and that he had written to Mr. Hindley on the subject on Wednesday. I may say that I am in constant communication with overseers, having the charge of something like a population of 30,000 in the two counties of Lancaster and York, and can state that no similar circumstance has come under my knowledge.

To the Right Hon. Sir. R. Peel.

Now, here is a case of distress particularly stated,—a case of a man with a large family, supporting himself and them on only 1s. 6d. a week, not only wholly denied, but, in addition, it is asserted that no such occurrence has taken place, not alone in the neighbourhood, but in the district in question. The House will, therefore, come to the conclusion, I am sure, that, when such statements are not borne out by irrefragable facts, it would be far better to forbear from making them, and much wiser to avoid exciting, by such means, the feelings of an irritated people, unless, indeed, hon. members be fully satisfied of their entire truth. I can sympathise with the patience of the people under no ordinary distress, and I can admire their fortitude and forbearance under severe suffering; that forbearance confers honour on them and upon our national character; but this should only make us the more cautious that we do not aggravate that suffering, by superadding to it dissatisfaction, which must be the inevitable result of making statements of this description not founded on fact.

Resolutions put and agreed to, and the House resumed.

On Thursday, Oct. 7, 1841, parliament was prorogued to Thursday, Feb. 3, 1842.



## ADDRESS IN ANSWER TO THE SPEECH.

FEBRUARY 3, 1842.

The Earl of March moved, and Mr. Beckett seconded, the Address in reply to her Majesty's Speech.

Lord John Russell signified his concurrence in the main portion of the Address, and thought, that whatever differences might hereafter arise, there was nothing to prevent the House on the present occasion from coming to an unanimous vote.

SIR ROBERT PEEL: I cannot be surprised, though I am gratified, to hear the noble lord who has just sat down, express his feeling that we should unanimously concur, whatever may be our present divisions, or our prospect of future conflicts, that we should cordially concur in presenting an Address to her Majesty, conveying to her Majesty the heartfelt congratulations of this House on the event which has recently occurred, and has given new stability to the throne and constitution of this country. I have purposely abstained, with my colleagues, having long held that opinion, that there was great inconvenience in forcing the House, on the first day of its assembling, to a division, without the means which formerly existed of ascertaining the sentiments to be contained in the Address, from taking that course, and from calling on the House to pledge itself to the support of certain measures; and, therefore, we did undoubtedly purposely frame the Address in a manner which we hoped would not unnecessarily produce a collision. We felt perfectly certain of the unanimous concurrence of the House in that part of the Address which congratulated her Majesty on a recent event; and we felt perfectly convinced that if that event has completed the domestic happiness of her Majesty and her illustrious consort, it has also added to the private and domestic happiness of every family in this country. The noble lord has very lightly touched on those parts of the Address which referred to the foreign correspondence of this nation, and in all of them he expressed his readiness to concur; he expressed his satisfaction at the conclusion of a treaty with the court of Teheran, and at the prospect of the establishment of amicable relations between Persia and this country. I think that I should not refer to that subject without bearing my testimony to the cordial co-operation which the diplomatic agents of this country received from the minister of Russia in his exertions. But I am bound to say, that I trust it is the good sense of the court of Teheran, and the sense of the common interests involved in the question in dispute, which have induced that court to accede to our advances and proffers, and that the establishment of our friendly interest is attributable to its own right and proper feeling. The Emperor of Russia, however, I must add, has exhibited every desire, by means of his agent, to influence the court of Teheran to re-establish its amicable relations with this country. The noble lord, in his speech to the House, seemed to intimate some doubt upon the policy of sending a special mission to the United States of America; but he should bear in mind, that some of the causes of difference between the United States and this country have long existed—that the attempts on the part of the various governments, by means of correspondents, however able they may have performed their duties, to bring them to a satisfactory conclusion, have been unsuccessful—that the continuance of these unfortunate causes of discord leads to fresh and increasing difficulties. These considerations it was which induced the government, without implying the slightest censure on the very able minister now in the United States, to send a person whose high station in the councils of this nation pointed him out as the fittest person to be selected, and who, possessed of the views and intentions of the government, might go at once to the United States, and attempt, by some other mode than that which had hitherto been resorted to, and which has not been successful, to effect that which would be a great object to attain for the interests of humanity and civilization throughout the world, namely, the restoration of a perfectly friendly and cordial relation with the United States; or, I should rather say, the termination of the existing differences. But if our friendly relations can be altogether re-established, I say, that it will not only be for the interest of the two countries, but for the general interests of humanity and the civilized world. Lord Ashburton, in undertaking the duty which has been imposed upon him, has been influenced by a sense of public duty, sacrificing his own feelings

and views, but he shared in the feelings and views of the government; and, considering the position in which that noble lord stands with regard to the United States, and the estimation in which his respected name is held there, we felt that no more welcome messenger than that noble lord could be found. I am not aware of any other subjects connected with the foreign policy of the government to which the noble lord has adverted. He referred with some warmth to the plans of the government for the relief of the domestic embarrassments of this country. He said, that he had heard various schemes suggested, and that he was pleased to find that no reference was made to any of them in her Majesty's speech. He said, that a plan of general emigration had been spoken of, but that it appeared to have been put forth without any authority; but I think that the noble lord might have gained sufficient experience in public affairs, and in the conduct of a government, to know that, because measures are imputed to the executive government, it does not, therefore, necessarily follow that they are in serious contemplation. The noble lord, I think, will agree with me, that it is not because a paragraph appears in a newspaper, imputing an intention to a government, that, therefore, that intention should be denied; and I think he will not deny, that such a course would be extremely inconvenient, because, if adopted in one case, silence in another might appear to show acquiescence, and the executive government would at length have little else to do than to contradict reports of their presumed intentions. The noble lord, however, has referred to certain dramatic reports which have appeared, of interviews which I had with some delegates on the part of the manufacturing population of this country. I confess that I am rather surprised that the noble lord should speak with so much asperity of Socialist editors. The government, undoubtedly through inadvertence, may have been deceived, but they did not, at all events, encourage those who came to them to expect the high honour of presentation to her Majesty. It is perfectly true, that I for one had an interview with a body of persons, who requested an interview, as a deputation from the manufacturing classes of the north. I do not know what course the noble lord would have advised me to pursue. Would the noble lord have thought it becoming in me to decline it until I had first ascertained the private characters and the political opinions of those who composed the deputation? I had no notice of those names; but even if I had, I should have received them without making the slightest inquiry as to the political opinions they professed. I saw the persons who called upon me, and who succeeded in deceiving me so far, that on entering the room I believed them to be a deputation as represented—a belief which was strengthened by the perfect knowledge of the subject on which they came to speak—a knowledge which indicated a practical and daily connection with the manufactures of the district from which they came. I conversed with them; but I am no party to the publication of what took place. They never consulted me as to whether or not the report was correct; and I must say I deprecate the publication of conversations with a minister, without first ascertaining from him whether he acquiesces in the accuracy of the report. Surprised as I was to find that a lengthened and detailed report of what had passed had been published, I am innocent of any intention to derive an advantage from the dramatic effects of which the noble lord spoke; and, until I saw that these persons were editors of a newspaper, I remained under the pleasing delusion, that I had been talking to working men, deputed by their brother workmen to give an account of their sufferings. With respect to the poor-law, I think the apprehensions excited in the mind of the noble lord, by the declarations made in the newspapers, might have been dispelled by the memory of the course taken by the government during the last session, and by the recollection of that which had so recently occurred in the House. I now approach that portion of the Address which involves subjects of the utmost consideration. I am sure the House will not expect me now to enter into any details with regard to those questions. The debate of this evening, the reading, by the Speaker, of her Majesty's Speech from the throne, was preceded by an intimation given by me, that I would, on the first day that was consistent with the convenience of the members of the House, submit the views of her Majesty's government on that important subject. I have given notice that I shall submit a motion on this subject; to any discussion of it, therefore, either directly or collaterally, on this occasion I am opposed, and I must postpone any further observation upon it till

proper opportunity shall arise on my bringing forward the motion of which I have given notice. On behalf of my colleagues and myself, I may say, that we had hoped to have disclosed the whole of our financial and commercial policy together, and to have submitted at once to the House all the measures which we propose to take with reference to these subjects. I am precluded from doing so by considerations of public duty, although, on the part of the government, and as far as I and my colleagues are concerned, I am prepared to do so. When the House separated for the recess, and with the expectation that the recess would be long, I gave a pledge, on the part of her Majesty's government, that the recess should be occupied in carefully reviewing all the great questions which then pressed for a thorough investigation. I undertook that all those great questions should have a full attention; I undertook that they should all undergo a careful review; I undertook, also, that after the recess no unnecessary delay should take place, but that her Majesty's government would be prepared to explain their views, as well as the means to be adopted for the practical application of those views, and of the principles on which they are founded, I gave that pledge. I now ask no further delay than is essentially necessary to enable us to bring forward our measures in the mode laid down by the forms of this House. I propose to submit the financial measures of her Majesty's government as soon as the votes of supply can be taken in committee of supply, so as to enable us to proceed in committee of ways and means, when we shall fully discuss the whole subject. I do not, then, ask for delay; I do not intend to postpone the announcement of the budget, as it is called, to that period of the year at which it is usually brought forward. Indeed, so far as concerned the convenience of her Majesty's government, we are prepared to state to the House now the measures with reference to the commerce and finance of the country which we mean to propose; and, as I have said, I should have wished to state the nature of those measures simultaneously with the views which we have arrived at on the subject of the Corn-laws; but I think that there would be disadvantage to the public interests in postponing the consideration of the Corn-laws, and that it would be better that her Majesty's government should propose to the House their views relative to those laws on Wednesday next, and postpone the remainder of the financial and commercial policy until the House is prepared to vote the usual provision for the service of the year, in committee of ways and means. There certainly would have been considerable advantage in her Majesty's government having the power of disclosing the whole of their policy at once. That advantage, therefore, I must forego: and, as I have said, I shall next week move, as I have given notice, on the subject of the Corn-laws. As soon, also, as I have obtained some votes in committee of supply, I will, on the earliest possible day, state the views of the government as to the financial situation of the country. I trust that the House will approve of the fairness of the course which I have adopted, on the part of my colleagues and myself, in redemption of the pledge which I gave on the separation of the House last session. We have carefully considered the state of the country, and we have instituted such inquiries as we thought necessary for the purpose of obtaining information; and we are now prepared to submit to the House such measures as we think that the interests of the country require. They shall be submitted to the House as is requisite as regards the responsibility of the government for them. Looking, then, at the various complicated interests of the country, and the difficulties attending our financial situation, we are prepared to state, that these are the measures which, to the best of our judgment, we thought ought to be adopted; and it will be for the House of Commons to determine, when they hear our statements, whether its views concur with ours, and whether it is prepared to ratify these measures, or to adopt other measures for the relief of the country from its present difficulties, and for the promotion of industry and commerce, submitted to it by those who differ with us as to the view of the state of affairs.

Address agreed to, and a committee appointed to prepare and draw up the same.

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## CORN-LAWS.—MINISTERIAL PLAN.

FEBRUARY 9, 1842.

SIR R. PEEL rose, and moved that the paragraph in her Majesty's Speech relating to the Corn-laws be read.

The motion being agreed to,—

The Clerk at the table read the following paragraph in the Speech from the Throne:—"I recommend also to your consideration the state of the laws which affect the import of corn, and of other articles, the produce of foreign countries."

SIR R. Peel next moved, that the House resolve itself into a committee, to consider the laws relating to the import of corn.

The House accordingly resolved into committee, and Mr. Greene, the chairman of committees, having taken the chair,—

SIR R. Peel again rose, and spoke as follows:—Sir, I rise in pursuance of the notice which I have given, to submit to the House the views of her Majesty's government with respect to the modification and amendment of those laws which regulate the import of foreign corn. I should consider it a reflection on this House were I to prefer any claim on its patience and indulgence. Whatever demands I might have to prefer, and however unqualified I may be to relieve a subject necessarily one of detail, necessarily abstruse, by any illustrations of fancy, yet I am convinced that the paramount importance of the subject itself, will induce the House to lend me that patient attention for which, under other circumstances, I might have deemed it necessary to appeal to its indulgence. I am aware of the difficulties which encompass the subject I am about to bring under the consideration of the House. With regard to a matter in respect to which such adverse opinions prevail, it is difficult to discuss it without making statements or admissions which will be seized on by those who entertain opposite opinions; but I feel that the best course I can pursue, is to submit to the House the considerations which influenced the judgment and decision of her Majesty's government, and to leave them to be decided on by the reason, moderation, and judgment of parliament. I am confident that the course which her Majesty's government have pursued in bringing forward this measure, whatever may be the differences of opinion as to its nature—I am confident that that course at least will meet with general approbation. If her Majesty's government deemed it right to submit a measure of this character to the consideration of parliament, it was due to the importance of the subject that the attention of parliament should be called to it in the Speech from the Throne. It was due also to the importance of the subject, that her Majesty's government should undertake, on their own responsibility, to propose a measure for the adjustment of this question, and that no interval which could be avoided, should be allowed to elapse between the recommendation contained in the Speech from the Throne, for consideration of the subject by parliament, and the proposal of the measure itself. The only object which I shall aim at, in bringing this subject under the consideration of the House, will be to state as clearly and as intelligibly as I can, the considerations which have influenced her Majesty's government in reference to the nature of the measure I am about to propose. One other object I shall aim at—namely, to discuss this question, affecting such mighty interests, in a temper and spirit conformable with its great importance, bearing in mind how easy it is, on each side, to raise exaggerated apprehensions, and find inflammatory topics by which the feelings of the people may be excited. Her Majesty's government have deemed it their duty to consider the Corn-laws, with a view to their modification and amendment. They undertake the consideration of this question at a period when there is commercial distress, and when there exist great suffering and privations connected with that distress. But I feel it my duty, in the first place, to declare that, after having given to this subject the fullest consideration in my power, I cannot recommend the proposal which I have to make, by exciting a hope that it will tend materially and immediately to the mitigation of that commercial distress. While I admit the existence of commercial distress—while I deplore the sufferings which it has occasioned, and sympathise with those who have unfortunately been exposed to privations, yet I feel bound to declare that I cannot attribute the distress—to the extent in which it was by some supposed

imputable—to the operation of the Corn-laws. I do not view with those feelings of despondency, with which some are inclined to regard them, the commercial prospects of this country.

I do not believe that the resources of our commercial and manufacturing prosperity are dried up. I do see a combination of causes, acting concurrently and simultaneously, sufficient, in my opinion, to account, in a great degree, for the depression which has unfortunately prevailed among the manufacturing and commercial interests of this country; and I have that reliance on the native energies of this country, and I have had such frequent experience of preceding depressions and revivals almost as sudden and extraordinary as the depression which has recently occurred, that I do entertain a confident hope and belief that we may still look forward to the revival, by the operation of natural causes, of our commercial and manufacturing prosperity. It is impossible, I think, to take a review of the causes which have affected that prosperity, without perceiving that there have been in operation, during the last four or five years, several causes, the separate effect of which would have been considerable, but the concurrent effect of which is sufficient to account for the depression which has taken place. If you look at the stimulus which was given, partly, I think, by the facilities of credit, to great undertakings in 1837 and 1838; if you look to the connection which existed between the directors and parties concerned in joint-stock banks and the manufacturing establishments; if you look at the immense offers made for the increase of manufactories, and for the building of houses for the reception of those who were to labour in those manufactories; if you look at the immigration of labour from the rural districts into districts the seats of manufactures, and the vast increase of mechanical power which took place in consequence in the years 1837 and 1838, you will hardly be surprised to find that the result which has before attended similar excitement and stimulus should again ensue. The same causes which operated here to produce depression, operated also in the United States at the same time. The derangement of the monetary affairs of the United States has acted powerfully on the demand for our manufactured produce, and, concurrently with the depression in this country, has had the effect of diminishing the demand for British manufactures. There has been at the same time an interruption of our amicable relations with China, which has been the cause of a considerable deficiency in the exports to that country of our manufactured goods within a recent period, as compared with previous periods. There have been also up to a recent period an alarm of war in Europe, and that stagnation of commerce which, in some degree, is inseparable from such a state of things. The united effect of these causes goes far, in my opinion, to account for that depression in our prosperity which has created so much regret. I am admitting the extent of that depression; and I am equally disposed to admit the extent of the privations and sufferings which have resulted; but I feel bound again to declare, that I cannot recommend the measure which I am about to propose, by exciting a hope that any alteration of the Corn-laws will be a remedy for some of the evils which, in a great manufacturing country like this, seem inseparable from the system. Extend your foreign commerce as you may, depend on it that it is not a necessary principle that the means of employment for manual labour will be proportioned to the extent of your commerce. Whatever may be the extent of your commercial prosperity, whatever may be the demand for your manufactures, it is impossible not to feel that coincident with that general prosperity, there may exist in particular districts the severest partial distress.

This must have been the case at periods of the greatest commercial and manufacturing prosperity. The necessary consequence of the sudden employment of machinery, diminishing the demand for manual labour, must be to expose in certain districts of the country those who depended for support on manual labour, to great privations and suffering. You find hundreds of persons occupied in a great manufacturing establishment. Their reliance for subsistence has been placed on their labour in that establishment; but by an exercise of ingenuity some improvement in machinery is suddenly devised, and copied by others, which has the effect of depriving those who have relied on manual labour for subsistence of employment. This has been the case with the handloom weavers, and with many parties engaged in manufactures. It is the hard condition, inseparable from a

manufacturing country, that there must be such revulsions in the demand for manual labour; and it is not an impeachment, therefore, of any commercial system that great privations and sufferings exist. Let it not be supposed that I am deprecating the exercise of skill and the improvement of mechanical power. It would be madness to attempt to check them. It would be folly to deny that in the aggregate this country has derived a great source of strength from such improvements in manufactures. The attempt to obstruct them would have the necessary effect of encouraging competitors and rivals, already too formidable. In referring to instances of distress, inseparably connected as it appears to me with such development of skill and improvement in machinery, I do not do so for the purpose of impeaching that skill or deprecating that improvement, but for the purpose of discouraging the too sanguine hope that any extent of legislative interference can exempt you from the occasional recurrence of distress. In proportion to the manufacturing excitement—to the *stimuli* to which I have referred—the *stimuli* of speculation—of facilities for undertakings created by undue advances and credit—in that proportion must you expect that in certain districts those privations to which the attention of parliament has been called, will occur. But looking at the general state of the commerce of this country, I neither see grounds for that despondency, with which some are in the habit of viewing it, nor can I see any ground for imputing to the operation of the Corn-laws, as some do, any material share in the evils at present existing. I think we are too apt to assume that there must be a constant and rapid increase in the amount of our exports to other countries, and we are too apt to despond when we find any occasional check in the amount of our exports. We decline to compare the extent of our commerce in the last year with a period of time more distant than the preceding year. We insist on comparing it with the year immediately preceding; and if there appears a decline we are too apt to apprehend that the sources of our prosperity are dried up. At all periods of our commercial history there have been these alternations of prosperity and depression. The latest period to which the returns respecting our trade are fully made up will include the year 1840, and comparing the state of trade in 1840 with its condition in preceding years, during the operation of the Corn-laws, I see no ground for the inference sometimes drawn, that the Corn-laws are the cause of our misfortunes, and that the repeal or alteration of them will supply an immediate remedy. In 1840 the exports of British produce and manufactures to all parts of the world exceeded the exports of 1837 by £9,355,000. I am speaking now of declared value. The exports of 1840 exceeded those of 1838 by £1,345,000 and fell short of the exports of 1839 by £1,827,000, a falling-off sufficient no doubt, to create anxiety and unpleasantness. But the causes of that falling-off are amply accounted for, by referring to the state of commercial transactions with the United States—a country with whose prosperity our own was so intimately interwoven. There, during that period, there were causes operating, connected with the monetary derangement, sufficient to account for the cessation of the American demand. I have stated that in 1840 as compared with 1839, there was a deficiency in our general exports of £1,827,000 declared value. But in 1839 there was an export to the United States of goods to the value of £8,839,000; whereas in 1840 the total amount of exports to that country was only £5,283,000; thus showing a diminution of our exports to the United States in 1840, as compared with 1839, to the extent of £3,556,000. That fact, therefore, is sufficient to account for the falling-off in the general amount of exports in the year 1840 as compared with 1839. The falling-off in the amount generally was greatly less than that in the amount taken by America, and the difference was consequently made up by an extension of our commerce with other parts of the world. It is very satisfactory, Sir, for example, to view the progress of our colonial trade. In 1837 the exports to the colonies were £11,208,000 in value; in 1838 they were £12,025,000; in 1839 they were £14,363,000; in 1840 they were £15,497,000. Let us look also to the state of our commercial transactions with those countries in Europe which are the chief sources of our supply of food. Let us look at the state of our export trade with Germany, with Holland, and with Belgium. In 1839 the value of our exports to those three countries, the chief sources of our supply was £8,742,000; in 1838 it was £9,606,000; in 1839 it was £9,660,000; in 1840 it was £9,704,000. So that even with respect to those countries from which we derive our chief supply of grain,

when we stand in need of it, which are supposed to be such formidable competitors in manufactures, and from which the demand for British produce and manufactures is supposed to be so rapidly diminishing, on account of our exclusion of their products, it still appears, on the whole, that there has been a progressive increase in the amount of our commerce carried on with them. I cannot, therefore, infer that the operation of the Corn-law is to be charged with the depression which is at present so severely felt in many branches of trade; I see other causes in operation which are sufficient, in a great degree, to account for the evils no one can deny to exist. In considering then, Sir, those modifications of the Corn-laws which it may be desirable to effect, it is important to review the proposals that have been made for this end. Various opinions are entertained with respect to the Corn-laws. There are some who will admit of no modification whatever in those laws as they now exist. My firm belief is, that that party in this country is exceedingly limited in number. I do believe that among the agriculturists themselves there is a prevailing feeling that the Corn-laws may be altered with advantage.

So far as I can collect that feeling from the communications which have been made to me, I must say I think that the impression among the agriculturists is in favour of modifying those laws in certain respects. There are others who entertain a decidedly opposite opinion, who will not hear of a modification, but insist on the immediate and absolute repeal of the Corn-laws. Sir, it is impossible not to feel that those who advocate the repeal of every impost of every kind upon the subsistence of the people are enabled to appeal to topics which give them a great advantage—to urge that there is a tax upon bread, a tax upon the subsistence of the people—to urge that that tax is maintained for the protection or advantage of a separate class. He who urges arguments of this kind must, of course, make a considerable impression upon those who listen to him. A comparison is made between the dearness of food in this country, and the cheapness of food in some other countries, and the inference is immediately drawn, that the people of this country ought to be placed upon the same footing in respect to the articles of subsistence, and that their condition will be benefited by the reduction of the price of food to that rate at which it can be purchased in other countries. Sir, it appears to me that any conclusion founded upon such a position will be altogether erroneous. The question is, can you infer the comfort and ease of the people from the price which they pay for their food? Reference is made to the price of food in Germany, and to the facility which the low price of sustenance gives for the establishment of manufactures; and the inference is hastily and unwisely drawn that the people of this country would be placed in a situation of greater comfort if the price of food should undergo a corresponding reduction, if it should be equalized with the price prevailing in Germany. Now, I apprehend the true question is, not what is the price of food, but what is the command which the labouring classes of the population have of all that constitutes the enjoyments of life, whether these be necessities or luxuries, partaking, in point of fact, from the universal prevalence of consumption, of the nature of necessities? Now, let us compare the condition of the labouring classes in this country, under the operation of the Corn-laws, with their condition in other countries in which, I admit, the price of provisions is greatly less. There is nothing to impede the cultivation of corn in the Prussian states, in which its price is greatly lower than in this country. But can it be thence inferred that the condition of the people in the Prussian states is preferable to the condition of the people in this country, or that the consequence of an immense reduction in the price of various articles, and particularly in the price of food, must necessarily lead to a great increase in the comforts and enjoyments of the labouring classes in this country? Sir, there are means, from sources I apprehend of unquestionable authority, for forming a judgment as to the comparative degree of comfort enjoyed by the people of the two countries I have mentioned; and, before you determine that a low price of provisions is necessarily essential to manufacturing industry, general consumption, or to the comforts and enjoyments of the people, it will be well to weigh the materials of which you are possessed for forming a judgment on the subject.

Sir, in the report of the committee which sat for the revision of the import duties, there is evidence upon this point given by the hon. gentleman, the member for Bolton,

whose attention has been directed to this subject, who has collected the materials of information and comparison, and who, before that committee, as well as in the report which he made on the Prussian League, on the state of our commercial relations with Prussia, and the laws which exist in that country with reference to trade, has made statements as to the comparative consumption of the people of this country and the inhabitants of the Prussian states. Let us look to the great articles of consumption. I will begin by admitting that meat is dear in this country; that corn is dear; and that the other great articles which constitute the sustenance of the people and add to their comforts, are dear; that they are much higher in price in this country than in Prussia; but, as I said before, it appears to me that the true test is not the comparative lowness of price, but the command which the people have over all that constitutes comfort and enjoyment. I will begin, then, with meat, and I will quote no authority which can be suspected—I will take my information from a perfectly unobjectionable source. I will refer to one who differs entirely from me with regard to the operation of the Corn-laws, and who is a decided advocate for their repeal. Dr. Bowring's calculation with respect to the consumption of meat was made in 1840, and given in his report on the Zollverein. The hon. and learned gentleman spoke on a state of things in this country when the Corn-laws had been in operation for nearly thirty years, affecting, as they must have done, if it was their tendency to produce such effects, the comfort of the people, and consequently the means of consumption within their power. Dr. Bowring then says, that in Prussia, —and I beg the House will remember that the means of ascertaining the exact proportion are believed to exist,—14,000,000 inhabitants consume in one year 485,000,000lb. of meat, that is, 35lb. per head. The hon. and learned gentleman says again, that in this country 25,000,000 persons consume 50lb. per head yearly; that the quantity cannot be less than 50lb.; and that it has been frequently estimated at 100lb. I take the lowest calculation, from which the House will observe it appears that while the inhabitants of Prussia consume but 35lb. per head, those of the British empire consume at least 50lb. I am not attempting to deny, by the quotation of these facts, the severity of that distress which prevails in many parts of the country. I could not have attended the discussions which have taken place without feeling a perfect conviction that in Paisley and many other places there is a fearful amount of distress. Do I mean to say, for instance, that the 17,000 persons in Paisley, who are supported by charitable contributions, consume meat to any thing like the extent I have stated? Not at all; but it is impossible to argue on this subject without drawing general inferences from general statements. I must not be taunted with the remark that individuals at Paisley, Stockport, and other places, do not consume 50lb. of meat per year. I admit they do not; but in drawing general conclusions, with reference to legislation, you have no other alternative than to deal with general averages and general results. I ask you again, before you determine that high prices are necessary evils, to compare the consumption of sugar in this country with that of other European states. I rely entirely on the authority of the hon. and learned gentleman. The hon. member states the consumption of sugar in France at 4½lb. per head annually; I will say 5lb., as there may be some increase which he has overlooked. In the states of the German League, it is 4lb.; in Europe generally, 2½lb.; while the consumption of Great Britain is calculated by the hon. gentleman at 17lb. per head. Taking next the consumption of wheat, I find that Mr. Deacon Hume, a gentleman whose loss I am sure we must all sincerely deplore, states the consumption of this country to be one quarter of wheat for each person. Dr. Bowring calculates that 24,000,000 of inhabitants in Great Britain consume 45,000,000 quarters of all kinds of grain. I beg the House to recollect, that I take the estimate of two gentlemen possessed of ample means of information, and entertaining views on this question which free their testimony from all suspicion. Mr. Hume, then, made our consumption one quarter of wheat per head. The hon. gentleman (Dr. Bowring) allows nearly two quarters of grain to each individual. In the Prussian States, he says, 14,000,000 of inhabitants consume 13,000,000 quarters of grain, being less than one quarter to each person. Again, while Mr. Hume allows one quarter of wheat per head in England, the hon. gentleman calculates that of the one quarter of grain which he assigns to each individual in Prussia, three-fourths at least consist of rye. Throughout the Prussian States, the consumption of



rye to wheat, he says, is in the proportion of from three and four to one. In 124 towns of the league he estimates the consumption per head at 65lb. of wheat, and 241lb. of rye; that is to say, each individual consumes very little more than one bushel of wheat, instead of one quarter. In England, the hon. gentleman states the consumption of tea at 1lb. per head, annually; in the Prussian States at only  $\frac{1}{3}$ lb. The consumption of salt, he says, is 16 $\frac{1}{2}$ lb. in Prussia, and 22 $\frac{1}{2}$ lb. in England. The annual consumption of cotton goods in Prussia, he says, is about 4 $\frac{1}{2}$ lb. for a family of five persons, which is about half the amount supposed to be used in England. The consumption of woollen cloth in Prussia amounts, he says, to 2 $\frac{1}{2}$  ells for each individual; in Great Britain, it has been estimated at 5 $\frac{1}{4}$  ells. The consumption of tobacco appears to be greater in Prussia than in England, it being 3lb. per head in the former country, and 1lb. in the latter. Of butter, 2lb. per head are used in Prussia, and only 1lb. in England. But, taking the other great articles I have enumerated, it is shown, that the consumption of them by each individual in this country, for the year 1840, was very much greater, although, in that year, the price of corn was exceedingly high, compared with the price in Prussia. So that, looking to the command enjoyed by the laborious classes, of the necessaries and comforts of life, is found to exist to a far greater extent in England than in Prussia, although there, the price of grain scarcely exceeds half that which it bears in this country. I do not mean to say, that this forms any argument against increasing that amount; I do not wish to push my conclusion further than the point to which it can be legitimately brought. My argument goes to show, that it is not fair to appeal to the diminished price of food in other countries as proving increased comfort in the people in proportion as the article is low priced.

Additional information has been very recently laid on the table, with respect to the condition of the working classes in Belgium. I invite the attention of the House to the prices of manual labour there, as stated in this document. The average prices of labour are, for agricultural labourers, 11*d.* a-day; for weavers, 1*s.* a-day; for masons, 1*s.* 3*d.* a-day; for locksmiths and carpenters, 1*s.* 3 $\frac{1}{4}$ *d.* a-day; for operatives, working in manufactories, 1*s.* 3*d.* a-day; for operatives, working in quarries, mines, &c., 1*s.* 4*d.* a-day; for jewellers, goldsmiths, and others, 1*s.* 8*d.* a-day. That is the rate of wages in Belgium. Now, what is the price of corn in that country? Last year, at Ostend, wheat was from 51*s.* 9*d.* to 53*s.* a quarter; at Antwerp, it was 51*s.* to 51*s.* 2*d.* a quarter. Taking the general average prices of labour in Belgium, and comparing them with the amount of wages received by the labourers, it does appear to me, that notwithstanding the amount of the manufacturing wages, and notwithstanding the amount of the agricultural wages, which are received there, it does, I say, clearly appear to me, that those wages do not give the labourer there such a command of subsistence, as that given him by the rate of wages usual in this country. I refer to this for the purpose of confirming my impression, that to look for any rapid or great change in the condition of the working population of this country from any extensive change of the Corn-laws, would subject you to great disappointment. My firm belief is—I am now speaking with reference to those who wish for an absolute repeal of these laws—that if the House of Commons should be induced to pledge itself to a total repeal, which we on this side of the House deprecate so much, without relieving permanently the manufactures of the country, you will only superadd the severest agricultural distress. Any such disturbance of agriculture as must follow from a total repeal of the Corn-laws would, in my opinion, lead to unfavourable results, not only with respect to the agriculturists themselves, but also to all those numerous classes who are identified with them in interest.

There is, however, another portion of those who wish for an alteration of the existing laws who would not go the length of total repeal, but desire a substitution for the present, at least, of a fixed duty. With respect then to the ground as thus narrowed, they who are favourable to a fixed duty on corn admit that the agriculturist of this country is entitled to some protection, and therefore they seek to impose a duty invariable in its amount on the importation of foreign corn. Now, with respect to this proposition, it must be remembered that whatever odium attaches to the imposition of a variable duty must apply with equal force to the imposition of a fixed. (A cry of "No, no," from the opposition benches.) Hon. mem-

bers do not seem to apprehend my meaning. I was not saying that exactly the same objections apply to a variable as to a fixed scale of duty. I was only saying, that so far as odium attaches on the imposition of any duty at all, to that extent odium attaches to the imposition of a fixed duty. There might possibly be advantages in a fixed duty which did not apply to the case of a variable duty, but the argument against the imposition of any duty whatever on the importation of the subsistence of the people applies equally to the imposition of a fixed duty. Either the one or the other is imposed on the ground that the agriculturist needs protection. On principle, however, the imposition of a fixed duty rests on the same grounds, and must on principle be defended by the same arguments, as the imposition of a variable duty. Together with my colleagues, and in concert with them, I have given to the question of a fixed duty the fullest and most patient attention; and if I could have come to the conclusion that for the variable scale of duty it would be better to substitute a fixed duty, I hope I should—considering the obligations under which I act as minister of the Crown—I hope I should have had the moral courage to avow my conviction, and to propose a fixed duty for the adoption of the House; but, under the actually existing circumstances of the country, I cannot reconcile it to myself to propose to the House that measure for its adoption. But I do not see how to propose such a fixed duty as shall be sufficient for the protection of the agriculturists of this country. I agree that for the last four years the average supply of this country has been unequal to the demand; but in considering this question it becomes important to ascertain what is the probability that this country from its own resources can be able to supply its own population. Now, I am not prepared to admit that this country is unable in ordinary years to supply its own population. If I formed my judgment from the circumstances of the last four years, I should have been compelled to conclude that we were dependent on foreign supply for a great proportion of our consumption; I should have been compelled to come to this conclusion, because the average of the last four years' importation of foreign corn into this country was 2,300,000 quarters. But if we take a longer period—if we take twelve or thirteen years, then it would appear, that on the whole, the annual average importation of foreign corn was very considerably smaller. In proof of this I beg to state, that taking the quantities of wheat and wheaten flour imported in those years, it appeared that the whole did not amount to more than 12,000,000 or 13,000,000 of quarters. I will state it more particularly since the year 1828. From July the 5th, 1828, to January the 1st, 1841, the whole quantity of wheat and wheaten flour entered for home consumption was 13,475,000 quarters; and thus I think it must be admitted, that if you take any period of ten years, or taking a somewhat shorter period even, you cannot hope for any period of any thing like ten years to pass without seasons occurring within it during which you must be dependent on foreign supply. You cannot hope for an absolute freedom from all dependence on foreign supply some time in the course of a period of ten years, and therefore in that sense you are not now independent of foreign supply. Looking, then, at the question from this point of view, I refrain my opinion, which I expressed some time ago, that it is of the utmost importance to the interests of this country, that you should be as far as possible independent of foreign supply. By this I do not mean absolute independence, for that, perhaps, is impossible; and nothing I think would be more injurious than to pass such laws as would give rise to a general impression that it was intended to keep this country in absolute independence of foreign supply; but, speaking generally, I say that it is of importance in a country like this, where the chief subsistence of the labourer consists of wheat, if we resort to foreign countries for supplies, to take care that those supplies should be for the purpose of making up deficiencies rather than as the chief sources of subsistence. Again, if I draw my inference from the last four years, I should be bound to admit, that this country, on account of the increased population, was dependent on foreign countries for a considerable amount of annual supply, because, as I said before, the amount derived from foreign countries in those years was as much as 2,300,000 quarters. But take the last ten years, and what do we find? With respect to the first six years, the produce in those years was sufficient to supply the consumption, or very nearly so; for, in the first six years of the last ten, the average annual importation was only 137,000

quarters. Taking, however, the years 1832, 1833, 1834, 1835, 1836, and 1837, it would be too much to infer, that the population has so rapidly increased with reference to the production of subsistence, that you must abandon altogether the hope of deriving your supplies from your own fields. Within the last ten years the increase of population has exceeded any thing that has ever hitherto been known in this country, and during the last four years the demand for foreign corn has been much greater than usual; but for the greater part of the ten years, the produce of the country has been found equal to its necessities. Therefore I cannot bring myself to the conclusion, that there must be periodical, or even an annual importation of foreign corn, in order to supply the wants of the country; and therefore, in determining our course on this occasion, we have to provide for the case of the produce of comparatively abundant years, as well as for years of comparative scarcity. Now, six years of good harvests may again recur consecutively, in which the produce of the country shall equal its necessities. If they do occur, then, what I fear from your fixed duty would be, that the unlimited right of import at a given amount of duty, which you could always maintain in periods of scarcity, would expose this country to great suffering and distress from producing by excess too great a fall in the prices of agricultural produce, and the remuneration of agricultural labour. It has been observed by writers of great authority, that favourable and unfavourable seasons return in certain cycles; that a year of abundance does not follow a year of scarcity, but that you will find five or six years of the one followed by five or six years of the other. Now, the effect of a fixed duty will be at all times, and under all circumstances, to admit foreign corn to our markets, the produce of a favourable harvest on the continent generally corresponding with that of a favourable harvest here. The great producing countries are within the same parallels of latitude, and are affected by the same causes, and you will generally find that an abundant harvest here has been contemporaneous with an abundant harvest in most countries on the continent. Now, whenever there is an abundant harvest, a slight addition to the amount of corn brought into the market produces a difference in the price very disproportionate to the extent of such addition. Mr. Tooke, in his *History of Prices*, lays down the position that prices vary in a ratio very different from the variation in quantity, and that the difference of ratio between quantities and prices is liable to alter according to the nature of the commodity, but is greater probably in the case of corn than in that of most other articles of extensive consumption. Mr. Tooke also institutes a comparison between the produce of deficient and productive harvests on the continent, and states that a deficient harvest here is accompanied generally by a deficient harvest in the countries from which our supplies are usually derived, and that an abundant harvest here is usually accompanied by an abundant harvest there. If that be so, then, when the harvest in this country is sufficient, or very nearly sufficient, to afford a sufficient supply of food, clearly we shall not stand in need of importation from abroad; but if there comes a series of deficient harvests, in that case it appears to me, that there will be such discouragement given to the national agriculture, as must ultimately lead to that dependence for subsistence on foreign supply which I should most earnestly deprecate. But it is argued on the other side by the advocates of a fixed duty, that a fixed duty will prevent these great alternations, and that though it might be difficult to support the fixed duty in times of scarcity, yet the tendency of this duty will be to preserve the country against the occurrence of such contingencies, during which, it is admitted, it would be difficult to maintain it. Now, it appears to me, that such fluctuations of prices are continually taking place, in consequence of the variations of the seasons, as it will be impossible to provide against by legislation, and that no law which you could pass for the establishment of a fixed duty would, in case of a deficient harvest here and on the continent also, prevent a rise to such prices as would render it impossible to maintain the fixed duty. Look to the case of the United States; they are not subject to Corn-laws, yet there you will find fluctuations in the prices, arising out of the variation in the seasons, altogether as great as takes place here. In Prussia, I find that the price of rye, a grain not subject to the operation of the Corn-laws, is liable to fluctuations as great as wheat is subject to under the operation of those laws. In fact fluctuations in price, must depend so

much on the seasons that no law, in my opinion, can guard against the occurrence of high prices. But, if high prices occur, will you maintain your fixed duty? If you impose a fixed duty of 8s. or 10s., and if you do not authorise some relaxation in periods of scarcity, then, supposing prices to rise to 80s. or 90s., I retain the opinion which I expressed last session, that no Government in such a case could undertake to enforce the payment of the duty. If that be admitted, then you must make some provision for a relaxation of the duty; but if you intrust this power to the executive government, you introduce uncertainty into the system, you introduce a power difficult to exercise, and liable to abuse; and you destroy altogether the grounds for looking forwards to permanence of mercantile arrangements, which is the great secret of commercial success. I have again, therefore, after considering this subject with the fullest attention, come to the conclusion that it would not be advisable for parliament to legislate on the principle of applying a fixed duty to the importation of foreign corn.

The alterations of the law which I shall propose will proceed on the principle of retaining a duty upon corn, varying inversely with the price of the article in the home market—*i. e.* the principle of the existing law. The retention of that principle necessarily involves the maintenance of a system of averages. It has indeed been said that there would be a great advantage in sweeping away altogether the system of averages. It is quite obvious that whether it may or may not be desirable to abandon the system of averages with respect to the imposition of a duty on corn, you must nevertheless maintain a system of averages because the whole of your proceedings under the Tithe Commutation act are founded on the system of averages. It is impossible for you to abolish the system of averages, because the annual payments on account of tithes are founded on calculations connected with it; and it does appear to me, that as the averages must be maintained for the purpose of the payments under the Tithe Commutation act, it would not be expedient to adopt any other system of averages materially varying in principle from that for determining the duty on corn. I hope I shall not be misunderstood. I am not saying, that because there is a system of averages for fixing the payments to be made under the Tithe Commutation act, therefore you must apply a system of averages for the purpose of determining the duty on corn. That is not my argument. I am merely stating that you cannot dispense with a system of averages while your present Tithe Commutation act continues in force. The averages must be taken, in order to determine the payments under the tithe law; and I say, that as you have to determine the amount of payment applicable to tithe by averages, and also the amount of duty to be imposed on corn, it would be inconvenient on the one hand to have two systems of averages prevailing in the country at the same time; while on the other hand, it would be inconvenient and unjust to depart materially from that principle on which the averages with respect to tithes are determined. I propose, therefore, as a necessary incident a varying duty, to retain a system of averages. Now, there is a very general impression throughout the country that there have been very great frauds in respect of the averages. There is a very general impression, particularly on the part of the agricultural body, that very great frauds have been practised with regard to the averages, a very extensive combination being supposed to have been entered into for the purpose of influencing the averages, and procuring the release of corn at a lower rate of duty than it ought to have paid. I am not disposed to deny, that such a combination may, in some cases, have been entered into, and that in some instances frauds may have been practised; but I very greatly doubt, whether they have been practised to any such extent or with any such effect as is generally supposed. It is generally supposed, that the returns for London unduly influence the averages; and that in Leeds, Wakefield, and other great towns in Yorkshire, there have been great and successful combinations for the purpose of unduly influencing the averages. As I said before, I am inclined to think that the impression on this subject may not be altogether without foundation but still the apprehensions entertained have been greatly exaggerated. Taking the aggregate averages of the kingdom for the six weeks in 1841, ending August the 6th, 13th, 20th, 27th, September 3rd and 7th, the price of wheat was 73s. 1d.; and if I exclude the London market from the averages altogether, the general average would be 72s. 8d. in place of 73s. 1d. If I exclude the

Yorkshire markets, the average would be 71s. 10d. It is possible that by raising the price in London, or some of the great corn markets, you create an influence which will raise the price in the other markets of the kingdom; but, so far as you can judge from figures and returns, I think the apprehension that there have been extensive frauds with respect to the averages is, as I said before, if not altogether unfounded, at least very greatly exaggerated. The difference in the aggregate averages, excluding London, amounts in these six weeks to only 5d; excluding Wakefield and the other Yorkshire markets, the difference in the average is only 1s. 3d; and if London, Leeds, and Wakefield be excluded, the difference is 1s. 1d.

Lord J. Russell: These differences would make a material alteration in the rate of duty to be paid.

Sir R. Peel. Undoubtedly, the difference, although so very slight, would affect the amount of duty; but the price of corn in London is much higher than in the country; and therefore I maintain that it is not necessarily to be taken as a ground for the imputation of fraud that the London average exceeds the country average. I will now take the average in 1838; from the 13th of August to the 7th of September the weekly aggregate average of the kingdom was 73s. The exclusion of the London market would have made no difference. In 1840, the aggregate average from July 24th to August 28th was 72s. 1d.; the average, exclusive of the London market, was 70s. 11d.; but that difference greatly affected the amount of duty, because when the price is 72s. and under 73s., the duty per quarter is only 2s. 8d., while the exclusion of the London market would have raised the duty to 10s. 8d., the price being above 70s. and under 71s. At the same time, as I said before, we cannot, I think, fairly infer fraud from the higher average of the London market. Now various proposals have been made with respect to the amendment of the law of averages—proposals which have received the utmost consideration from her Majesty's government. I think there will be a general agreement in this, that whatever system be devised, fraud should as far as possible be excluded, and that all should be fair and legitimate. It is advised by some that returns should be made by the growers only. That proposal has been made by many. I think it impossible to adopt such a suggestion. At present Irish and Scotch corn are admitted into the averages of this country; it would be impossible, therefore, to have in these cases a certificate from the grower, and the exclusion of Irish and Scotch corn from the averages would have a material effect in raising the price of corn. I must also state that I think we ought to guard as far as we can against fraud, but I do not think we ought to attempt to increase protection by any indirect operation. If a certain amount of protection be requisite, and if the legislature will consent to give it, let it be given directly and openly. It would not be fair to procure an indirect protection and encouragement for domestic agriculture by any suggestion with respect to the averages which had not immediately in view the prevention of fraud and collusion. Various alterations in the law of averages might be made which would have that effect, and which, if they are necessary for the purpose of guarding against fraud, ought, in my opinion, to be introduced, but for the purpose of getting an indirect protection for agriculture, I would not be a party to the proposal of any. It has been suggested by some that the seller should be required, under a penalty, to make a return of the corn sold. It is difficult to foresee what might be the effect of an enactment of that kind, requiring under a penalty every party who might sell a certain proportion of corn to make a return of the quantity sold. The great and only effectual security against fraud in the averages is to take away the temptation to commit it. If you deprive the parties of any motive of self-interest to combine, you take the best and most effective security against the commission of fraud. The proposal of her Majesty's government with respect to the taking of the averages will be this:—They will propose to take the average in the present mode from the factor, miller, and purchaser of corn—the party who, under the existing law, makes a return at the close of each market day of the whole of the purchases he has made during the preceding week. Upon the whole, we can see no advantage in departing from that principle in taking the averages—making the buyer of corn return the amount of sales of the preceding week, and trusting to the alterations we may make in the levying of

the duty for the purpose of most effectually preventing fraud. We shall propose that the duty of collecting the returns shall be devolved upon the excise. The excise is perfectly competent to undertake it. That department has an officer employed in each market town—an officer qualified for the discharge of the duty—an officer who has other important cognate functions to perform, and who will be enabled at a very small comparative increase of expense to undertake this additional duty; while his general ability, his habits of business, and the responsibility he incurs from being a public officer, afford a greater security against fraud than could be taken by intrusting the duty to private individuals. We propose, therefore, that the averages should be taken as at present; that they shall be returned to an excise officer acting under the authority of the Board of Excise. Another security we propose to take is to widen the range from which the returns shall be received. At present there are 150 towns named in the Corn-act from which returns are received. From that number of 150 many considerable towns are excluded, in which, since the passing of the present Corn-law, markets have grown up, where considerable quantities of grain are disposed of. We propose, therefore, not to give a discretionary power to any executive officer for the purpose of adding towns from which the averages should be collected; but in the bill which we shall introduce, we propose to name specifically the towns having corn markets to be admitted within the range, but which are now excluded from the list of 150.

It appears to me that the more you widen the range from which you collect the corn return, the greater security you take against the averages being influenced by combination and fraud. The best means of determining what is the real average of corn, is by ascertaining its price in a greater number of markets. At present the towns selected are towns in England and Wales, and although I propose to add to their number, I should still restrict them to towns in England and Wales.

Lord Palmerston—Can you state the number to be admitted?

Sir R. Peel—At present there are 150. I propose to enlarge the range by adding others where corn markets have grown up, and the towns to be so admitted shall be specifically named in the act. The precautions we propose, appear to us most effectual against combination for the commission of fraud. Our first proposal is to widen the range from which the averages shall be taken; the second is to employ a responsible officer, acting under the authority of a public department, for the purpose of collecting the returns; but the main security we rely on as a prevention of fraud, is such an alteration of the duty as shall diminish the temptation to commit fraud. I trust I have made sufficiently clear to the House the nature of the alterations we shall propose with respect to the taking of the averages. I now approach that more important—by far the most important part of the subject—viz., what is the amount of protection we propose to give to corn the produce of this country, and the manner in which we propose to levy the duty upon foreign corn. At present the House is aware, that the duty payable upon corn is levied in this manner. At 59s. and under 60s., the duty is 27s., diminishing 1s., with 1s. increase of price, until the corn arrives at the price of between 66s. and 67s., when the duty is 20s. 8d. The duty then falls 2s. when corn is between 68s. and 69s. At 69s. the duty is 16s. 8d.

Lord J. Russell—Not exactly so. Between 69s. and 70s. the duty is 13s. 8d.

Sir Robert Peel—I am reading from a printed statement, and I believe it to be correct. Between 70s. and 71s. the duty per quarter is 10s. 8d. It then falls 4s., when the price is between 71s. and 72s. It falls 4s. more between 72s. and 73s.; and when the price of wheat reaches 73s., or upwards, the duty is 1s. only. The objection to that mode of levying the duty, which has been urged in various quarters, is this—that the reduction of duty is so rapid that it holds out the temptation to fraud; for instance, at 60s. the duty is 26s. 8d.; at 73s. the duty is 1s. only; therefore between 60s. and 73s. there is an increase of 13s., and a decrease in duty of 25s. 8d., operating as an inducement to retain corn, or combine, for the purpose of influencing the averages, if parties are inclined to combine, amounting on a single quarter of corn to 38s. 8d. So far as pecuniary inducements can go, it is impossible to be placed higher, either to retain corn, or practise on the averages. Take again prices which are nearer to each other. At 66s. the duty is 20s. 8d.; between 66s. and 73s. the inducement to retain corn is 7s. rise in price, and 19s. 8d.

in duty, being a total amount of pecuniary inducement to retain corn to 26s. 8d. Take prices still nearer, between 66s. and 70s. At 66s. the inducement to retain corn in the hope of its rising to 70s. is 4s., and 10s. in duty, forming a total pecuniary inducement of 14s. Again, between 70s. and 73s. there is, besides the difference of 3s. in price, 9s. in respect of duty, forming an inducement of 12s. to retain corn at 70s., in the hope of its reaching the price of 73s. Now it has been argued that the consequence of that very rapid decline of the duty is injurious to the consumer, to the producer, to the revenue, and to the commerce of the country. It is injurious to the consumer, because when corn is at a high price (between 66s. and 70s.) and when there would be public advantage in the liberation of that corn for the purpose of consumption, the joint operation of increased price and diminished duty induces the holders to keep it back, notwithstanding the already high price and pressure in the market, in the hope of realizing the price of upwards of 73s., and paying a duty of only 1s. It operates injuriously to the agricultural interests, because it is a temptation to keep back corn until it can be suddenly poured in at the lowest amount of duty, and when agriculture loses the protection which the law intended it should possess. It is said to be injurious to the revenue, because, instead of corn coming in when it must, under a fixed duty, or other modifications, have been entered for home consumption, it was retained until it could be introduced at 1s., the revenue losing the difference between 1s., and the amount of duty which would otherwise have been levied. It is also said to be injurious to commerce, because where the corn is grown at a distance, in America for instance, the grower is subject to this disadvantage, that before his cargo arrives in this country, the sudden pouring in of wheat at 1s. duty from the countries near England, may have so diminished the price, and increased the duty, that his speculation may have turned out, not only a failure, but ruinous. These objections have been urged against the rapid transition and decline in the duty inversely with the price of wheat. Now, our object will be, in applying the scale of duty to corn, as far as it may be possible, consistently with the principle for which we contend, to diminish the temptations to fraud, or undue holding back of corn. And the agricultural interest ought to observe what has been the effect of the law permitting the importation of corn at certain prices, at a duty of 1s. the quarter. In 1838, the total amount of wheat taken for home consumption was 1,728,000 quarters in the course of the year. Of that amount 1,261,000 quarters were entered at a duty of 1s. In 1840, the total amount of wheat entered for home consumption was 2,020,000 quarters, of which 1,217,000 quarters were taken at a duty of 2s. the quarter. But it is important that we should observe, not only the amount of corn taken in these years at the low duties of 1s. and 2s. the quarter, but also the period of the year at which this took place. In 1838, the corn so taken at that duty of 1s. was taken out one week following the 13th of September. In 1840, the corn taken out at 2s. 8d. the quarter was taken out on the 3rd of September. In each of those two years by far the greater portion of the wheat taken out was at the low rates of 1s. and 2s. 8d.; but it was also at that critical period of the year, just when the farmer in the greater part of the counties of England had thrashed his corn; it was for the purpose of meeting the British farmer in the market when he was thrashing, or had thrashed his corn, for the purpose of producing his rent.

And this tells unfavourably, more especially to the farmer in Yorkshire, who, while compelled to defer the sale of his corn to a later period, is exposed to the disadvantage of the sudden influx of corn whenever the price shall be such as to admit it at the lowest rate of duty. This consideration alone ought to prevail with those most determined in favour of the protection to agriculture to listen with favour to any proposal that has for its object the modification of the existing laws; for it appears to me that some modification of those laws in this respect would be equally as advantageous to the agricultural interest as to any other class. I will now, with the permission of the House, proceed in the course of a few moments to read the scale of duties which I propose should be applied to corn. That scale, Sir, has been devised with a sincere desire to afford to agriculture and the agricultural interest every protection which they can legitimately expect. It has, at the same time, been

devised for the purpose, when foreign corn shall be required, of facilitating, as far as possible, commercial intercourse with respect to corn, and subjecting the dealing in corn, as far as possible, consistently with the principle on which the duties are to be levied, to the laws which regulate ordinary commerce. Nothing can be more difficult than to attempt to determine the amount of protection required for the home producer. I am almost afraid even to mention the term "remunerating price," because I know how necessarily vague must be the idea which is attached to it. The price requisite in order to remunerate the home-grower must necessarily vary; a thousand circumstances must be taken into account before you can determine whether a certain price will be a sufficient remuneration or not; and the same difficulty occurs when we attempt to determine on adjusting the scale of duties. The two great points to determine, if we wish to give a just and sufficient protection to domestic agriculture, are, first, what is the price which, on the whole, taking a comprehensive view of the circumstances attending the growth of corn, and viewing the general production of the country, may be supposed to constitute a sufficient encouragement to the growth of wheat or any other kind of agricultural produce. Another element of that consideration and of that determination must necessarily be the price of foreign corn brought into the country, under competition with domestic produce. To attempt to draw any accurate conclusion on both of these two elements of the question must be difficult, from the various opinions that prevail, and the conflicting nature of the details. I have drawn a conclusion as well as I could, without being able to say that I feel it to be completely accurate. But with regard to the price of wheat in this country, there are some elements, at least, towards determining what may be considered a fair average, speaking of the country at large. Now, if we take the average of prices of wheat which determine the commutation of tithes, the principle on which the Tithe Bill passed, taking the average of seven years, we find the price of wheat during those seven years to have been 56s. 8d.

If we take the average of wheat for the last ten years, we shall find that the price has been about 56s. 11d. But in that average is included the average of the last three years, when corn has been higher certainly than any one would wish to see it continue. Allowing for that excess of price, however, 56s. 11d. was the average price for the last ten years. Now, with reference to the probable remunerating price, I should say, that for the protection of the agricultural interest, as far as I can possibly form a judgment, if the price of wheat in this country, allowing for its natural oscillations, could be limited to some such amount as between 54s. and 58s., I do not believe that it is for the interest of the agriculturist that it should be higher. Take the average of the last ten years, excluding from some portion of the average the extreme prices of the last three years, and 56s. would be found to be the average; and, so far as I can form an idea of what would constitute a fair remunerating price, I, for one, should never wish to see it vary more than I have said. I cannot say, on the other hand, that I am able to see any great or permanent advantage to be derived from the diminution of the price of corn beyond the lowest amount I have named, if I look at the subject in connection with the general position of the country, the existing relations of landlord and tenant, the burdens upon land, and the habits of the country. When I name this sum, however, I must beg altogether to disclaim mentioning it as a pivot or remunerating price, or any inference that the legislature can guarantee the continuance of that price; for I know it to be impossible to effect any such object by a legislative enactment. It is utterly beyond your power, and a mere delusion, to say, that by any duty, fixed or otherwise, you can guarantee a certain price to the producer. It is beyond the reach of the legislature. In 1835, when you had what some thought was a nominal protection to the amount of 64s., the average price of wheat did not exceed 39s. 8d., and I again repeat, that it is only encouraging delusion to hold out the hope that this species of protection can be afforded to the agriculturist. To return, however, to the subject; I again say, that nothing can be more vague than to attempt to define a remunerating price. The different qualities of land, and a thousand other considerations enter into the question; and I must say, that the same difficulty exists to a much greater extent as to determining exactly the rate at which foreign corn can be brought into this country. Here, again, you must first ascertain the quality of the corn, the cost of



freight, the distance of the country the corn is brought from; all these considerations ought to enter into the calculation; and, therefore, it is almost impossible to determine what should be the exact price at which foreign corn shall be admitted into the market. With these observations I will now at once proceed to read the scale of duties which her Majesty's government propose as a substitute for the existing scale. We propose that when corn is at 50s. and under 51s. in price, a duty of 20s. shall be taken, but that in no case shall that duty be exceeded. We propose that when the price is 51s. and under 52s., the duty shall be 19s.; and after this we propose that there should be what I should call a rest in the scale. That at the three next items of price the duty should be uniform. Thus it would be:—When the price is 52s. and under 53s. the duty should be 18s.; when 53s. and under 54s., 18s., and when 54s. and under 55s., still 18s. When the price is 55s. and under 56s., we propose that the duty shall be 17s.; when 56s. and under 57s. that it shall be 16s.; when 57s. and under 58s. that it shall be 15s.; when 58s. and under 59s., that it shall be 14s.; when 59s. and under 60s., that it shall be 13s.; when 60s. and under 61s., that it shall be 12s.; when 61s. and under 62s., that it shall be 11s.; when 62s. and under 63s., that it shall be 10s.; when 63s. and under 64s., that it shall be 9s.; when 64s. and under 65s., that it shall be 8s.; and when 65s. and under 66s., that it shall be 7s. At the three next items of price I propose another rest in the scale similar to the former. I should propose upon the next three a duty of 6s., that is to say, when the price is 66s. and under 67s., when it is 67s. and under 68s., and when it is 68s. and under 69s.: in each of those cases the duty would be 6s. When the price is 69s. and under 70s., I propose a duty of 5s.; when 70s. and under 71s., a duty of 4s.; when 71s. and under 72s., a duty of 3s.; when 72s. and under 73s., a duty of 2s.; and when 73s. and upwards, a duty of 1s. the quarter. When that price is arrived at, I propose that the duty should altogether cease. The sum of the proposition then, is this, that when corn in the British market is under the price of 51s. the quarter, a duty of 20s. shall be levied, which duty shall never be exceeded, for I am quite satisfied that it is useless to take any greater amount of duty. [“Hear, hear,” from the Opposition benches.] I mean when British corn is under 51s. the quarter, that duty of 20s. the quarter shall be an effectual protection to the home grower; not, of course, excluding the taking for home consumption some small portion of foreign corn, but taking care that the protection shall be a valid one. Thus, when the price is 56s. and under 57s., the duty will be 16s., and when 60s. and under 61s., the duty will be 12s. Now, it is apparent that this scale will have the effect of diminishing the temptations to practising on the averages, and producing a fall of the duty, as its operation will be gradual: and when corn shall have arrived at 60s. or 61s., there will be no inducement to the holding back of corn for the purpose of getting higher prices. It is when markets are rising, and when under the present system there is a prospect of being able to force corn up to a price of 73s., that alone the inducement exists to keep corn back in order to obtain additional prices. I have attempted to remove altogether that inducement to fraud by rendering it useless; and the scale is so regulated that there shall be no inducement to parties to combine to hold back corn and defraud the revenue for the sake of being able to produce a sudden reduction of the duty. I will now call the attention of the House to what has been the effect, with regard to the articles of oats and barley, of having applied the principle of more gradually reducing the duty as the price rises. In the case of wheat, where the fall of the duty was so rapid, the temptation to hold back until the lowest amount of duty shall have been realised has been very effectual, and by far the greater part of the wheat has been taken out at the least amount of duty.

In the case of barley and oats, where the fall in the amount of duty was more gradual, the same results have not occurred. In the case of oats, of 3,513,000 quarters, 248,000 quarters were taken at a duty of 1s. 9d., 695,000 at a duty of 3s. 3d., 243,000 at a duty of 4s. 9d., and 940,000 at a duty of 6s. 3d. That was the effect of a gradual fall of 1s. 6d. in the scale of duties, the same principle which I propose to apply to wheat, with the exception that in no case will the fall in the duty on wheat exceed 1s. I consider that there is a fair ground to entitle me to assume, that, by applying that principle of the gradual fall of duty to wheat, there is a fair

prospect that wheat, like oats, will be taken out at a higher rate, that the revenue will profit proportionably and that the consumer and the agriculturist will be equally benefited by corn being taken out when the legitimate demands of the market may require it, and not to answer the objects of speculators. With respect to the other articles of grain, I propose to adopt the proportion of value and duty which I find in the present law. Valuing wheat in the proportion of 100, barley in that of 53, oats in that of 40, and rye, pease, and beans in that of 58; if it be assumed that at the price of 56s. for wheat the duty would be 16s., then the duty on barley, when at 29s. would be 9s.; on oats, at the price of 22s., there would be a duty of 6s. 3d.; and on rye, pease, and beans, at 32s., there ought to be a duty of 10s. 3½d. These are the proportions under the existing law, and I am not aware of any reason for altering them with respect to the other kinds of grain. For this reason, in adjusting the scale of duties applicable to these other kinds of grain, the proportions under the existing Corn-law will be adopted, and the scale itself will correspond with that in the relation of price. In the case of foreign oats, I should propose a *maximum* duty of 8s. (I do not need to enter into all the details)—that it should fall with the increase in price to 7s., and then continue at 6s. for three items of price, that is to say, 22s., 23s., and 24s. When the average price reaches 25s. it will be reduced, as the price increases, by 1s. The extremes of duty would be 8s. on the one hand, and 1s. on the other, the duty of 1s. being the *minimum*, and continuing so long as the price of oats exceeds 28s. In the case of barley, when the price is under 26s., the duty I propose is 11s. per quarter, that being the *maximum* price. When the price is 26s. and under 27s., I propose that there shall be a duty of 10s.; that when the price is 29s. and under 30s., the duty shall continue at 9s.; that when the price is 30s. and under 31s., the duty shall be 8s., and so on till the price is 37s. and upwards, the duty decreasing 1s. for each gradation in price of the same amount. With regard to rye, the same proportion will be observed.

And now I must enter into a short explanation respecting colonial wheat. The law with respect to it is to this effect—that British colonial wheat and flour shall be imported into this country at a duty of 5s. whenever the price of British wheat is below 67s.; that when the price of British wheat exceeds 67s., it shall then be admissible at a duty of 6d. I propose to give the same advantage to colonial wheat respecting the reduction of prices at which it shall be admissible, as is given to other descriptions of wheat. But, considering that the sudden drop in the prices from 5s. to 6d., on account of the difference of 1s. in the price, is at variance with the principle of the law, which seeks to establish as equable and uniform a reduction of duty as possible, we propose to make this arrangement respecting colonial wheat—that when the price of British wheat is under 55s., the duty upon every quarter of British colonial wheat shall be 5s.; that when at 55s., and under 56s., it shall be 4s.; when at 56s. and under 57s., it shall be 3s.; when at 57s. and under 58s., 2s.; and when at 58s. and upwards, it shall be 1s., thus taking away that sudden fall in the amount of duty levied upon colonial wheat which takes place under the existing law, but giving to the colonial wheat that advantage in the reduction of the price which is given to other descriptions of wheat. With respect to flour, I propose to maintain the same calculations as exists with respect to wheat, so as to allow it to be admitted upon the same relative terms. I believe the House is now in full possession of the nature of the proposal which it is the intention of her Majesty's government to submit. If you compare the reduction in the amount of duty with the existing duty you will find that it is very considerable. To those who have appeared to think that the modification which I propose to make in the existing law is of no importance, I shall only say, compare my scale of duties on the admission of foreign corn with the existing scale of duties. When corn is at 59s. and under 60s., the duty at present is 27s. 8d. When corn is between those prices, the duty I propose is 13s. When the price of corn is at 50s., the existing duty is 36s. 8d., increasing as the price falls; instead of which I propose, when corn is at 50s., that the duty shall be only 20s., and that that duty shall in no case be exceeded. At 56s. the existing duty is 30s. 8d.; the duty I propose at that price is 16s. At 60s. the existing duty is 26s. 8d.; the duty I propose at that price is 12s. At 63s. the existing duty is 23s. 8d.; the duty I propose is 9s. At 64s. the existing duty is 22s. 8d.; the duty I propose is 8s. At 70s. the existing duty is 10s. 8d.; the duty I propose is 5s. There-

fore it is impossible to deny on comparing the duty which I propose, with that which exists at present, that it will cause a very considerable decrease of the protection which the present duty affords to the home-grower, a decrease, however, which in my opinion, can be made consistently with justice to all the interests concerned. If the agriculturist fairly compares the nominal amount of duty which exists at present with that which I propose, he must perceive, that he will still be adequately protected, notwithstanding that the reduction which I propose is considerable. I certainly feel bound to say, that I think the agricultural interest of the country can afford to part with a portion of the protection they now receive, and that it is only just that that protection should be diminished. Whatever arrangement can be made, tending to facilitate the introduction of corn when corn is required, consistently with the ordinary principles of commercial intercourse, it ought, in my opinion, to be made. The protection which I propose to retain, I do not retain for the especial protection of any particular class. Protection cannot be vindicated on that principle. The only protection which can be vindicated, is that protection which is consistent with the general welfare of all classes in the country. I should not consider myself a friend to the agriculturist if I asked for a protection with a view of propping up rents, or for the purpose of defending his interest or the interests of any particular class, and in the proposition I now submit to the House I totally disclaim any such intention. My belief, and the belief of my colleagues is, that it is important for this country, that it is of the highest importance to the welfare of all classes in this country, that you should take care that the main sources of your supply of corn should be derived from domestic agriculture; while we also feel that any additional price which you may pay in effecting that object is an additional price which cannot be vindicated as a bonus or premium to agriculture, but only on the ground of its being advantageous to the country at large. You are entitled to place such a price on foreign corn as is equivalent to the special burdens borne by the agriculturist, and any additional protection you give to them I am willing to admit can only be vindicated on the ground that it is for the interest of the country generally. I, however, certainly do consider that it is for the interest of all classes that we should be paying occasionally a small additional sum upon our own domestic produce, in order that we might thereby establish a security and insurance against those calamities that would ensue, if we became altogether or in a great part dependent upon foreign countries for our supply. My belief is, that those alternations of seasons will continue to take place, that whatever laws you may pass you will still occasionally have to encounter deficient crops, that the harvests of other countries will also at times be deficient, and that if you found yourselves dependent upon foreign countries, for so important an amount of corn as 4,000,000 or 5,000,000 of quarters, under these circumstances, and at a time when the calamity of a deficient harvest happened to be general, my belief is, that the principle of self-preservation would prevail in each country, that an impediment would be placed upon the exportation of their corn, and that it would be applied to their own sustenance. While, therefore, I am opposed to a system of protection on the ground merely of defending the interests of a particular class, I, on the other hand, would certainly not be a party to any measure, the effect of which would be to make this country permanently dependent upon foreign countries for any very considerable portion of its supply of corn. That it might be for a series of years dependent on foreign countries for a portion of its supply—that in many years of scarcity a considerable portion of its supply must be derived from foreign countries—I do not deny; but I nevertheless do not abandon the hope that this country, in the average of years, may produce a sufficiency for its own necessities. If that hope be disappointed—if you must resort to other countries, in ordinary seasons, for periodical additions to your own supplies, then do I draw a material distinction between the supply which is limited, the supply which is brought in for the purpose of repairing our accidental and comparatively slight deficiency, and the supply which is of a more permanent and extensive character.

This is the proposal I am authorised, on the part of her Majesty's government, to submit to the house. This is the proposal which, taking a review of the whole question, looking to the extent of the protection which, for a long series of years past, the laws of this country have afforded to agriculture—adverting to those acts of

parliament which have assumed a given price of wheat as the basis of rent, and the foundation of great legislative propositions—considering also the importance of deriving your supply, as far as you can, from domestic sources—this, I say, is the proposal which her Majesty's government, prompted by no other interest but that of the country at large—driven by no other pressure than that of their own judgment, consider it most for the advantage and welfare of the people should meet with the sanction of the legislature. Sir, this is not altogether an unfortunate period, in my opinion, for the adjustment of the question. In the first place, there is no such amount of foreign corn available to the supply of this country as need excite the alarm of those who dread an excess; and, in the next, there has been, during the period which has elapsed since the separation of Parliament, concurrently with great commercial distress, as much of moderation, of calm, and of disposition to view with moderation and calmness a proposal for the adjustment of this question, as could possibly have been anticipated. There may have been excitement—there may have been attempts to inflame the minds of the people—but this I must say, that the general demeanour and conduct of the great body of the people of this country, and of that portion of them who have been most exposed to sufferings on account of commercial distress, have been such as to entitle them to the utmost sympathy and respect. There is no difficulty, then, in the shape of violence, interposed to the settlement of this question; and it appears to me to be perfectly open for legislation at the present moment. I earnestly trust that the result of the proposal which I now submit to the house, whether it be acceded to or not, will, at all events, be to lead to some satisfactory adjustment of the question. The adjustment we propose, we propose under the impression and belief that it is the best which, upon the whole, and looking to the complicated state of the various relations and interests in the country, we could submit for the consideration of the house, consistently with justice to all classes of her Majesty's subjects. If it is the pleasure of parliament to affirm that proposal, it will, of course, pass into a law. If it be the pleasure of parliament to reject it, I still hope that the question may be adjusted. Whatever may be the determination of parliament with respect to it, I shall conclude by expressing my most earnest and solemn hope that the arrangement, whatever it may be, may be one most in concurrence with the permanent welfare of all classes, manufacturing, commercial, and agricultural, in the country.

After a few remarks from Lord John Russell and Mr. Cobden, the House adjourned.

FEBRUARY 14, 1842.

On the motion of Sir Robert Peel, the Order of the Day for the House to resolve itself into a Committee of the whole House on the duties affecting the Importation of Foreign Corn was read. On the question that the Speaker do now leave the Chair,—

Lord John Russell rose, and at the conclusion of a long and powerful speech, proposed the following motion:—"That this House, considering the evils which have been caused by the present Corn-laws, and especially by the fluctuations of the graduated or sliding scale, is not prepared to adopt the measure of her Majesty's government, which is founded upon the same principles, and is likely to be attended by similar results."

A long debate ensued, extending over three nights, when, at the close of the discussion Sir Robert Peel again spoke as follows:—

Mr. Speaker, after the demand which I was obliged to make on the attention of hon. members in bringing forward the measure now under discussion, I shall certainly feel it incumbent upon me to limit myself as strictly as possible within the bounds which the nature of the motion prescribes, and confine myself altogether to the issue which is proposed by the noble lord. I am a little surprised at the nature of the issue raised by the noble lord. I am quite aware that I have to contend against two classes of antagonists, entertaining entirely opposite opinions, the one led by the noble lord—the advocate of a fixed duty; the other coincident with the hon. and learned gentleman (Mr. Roebuck)—a decided enemy to all duty whatever. And I was a little curious to know by what process these two classes of antagonists could be brought to range under the same banner. The noble lord I expected to

affirm that a fixed duty ought to be preferred to a sliding scale. I heard much when the noble lord was in the government—much from him in condemnation of those who, opposing his measures, did not clearly announce their own plans. “Concert, if you please” (the noble lord used to say), “the rejection of the measure we propose, but if, giving your assent to abstract propositions, you resolve to combine against the measures of her Majesty’s government, in that case it becomes the character of a great opposition, to leave on record the principles on which they have acted.” The noble lord used to say, “It is very well for you to act in opposition to our measures; you are not charged with the duties and responsibility of government; but you have had a long public life; you enjoy the confidence of a great party; these measures have undergone frequent discussion, and the country really wants to know what are the principles on which you oppose them.” Such being the language which the noble lord used to hold when in the government, I certainly did expect to find the noble lord meeting us fairly on the grounds on which, in his opinion, the measure which we propose cannot be entertained; I did expect from him, after all the eloquence which I have heard from him against ambiguous abstract resolutions, a full and complete exposition of his own principles. How they who are the advocates for a total repeal of all duties on foreign corn can vote for the resolution of the noble lord, I confess I cannot understand. It is a matter of wonder to me how any advocate of a fixed duty can be found to concur with the noble lord in his proposition. The noble lord merely affirms, “That this House, considering the evils which have been caused by the present Corn-laws, and especially by the fluctuations of the graduated or sliding scale, is not prepared to adopt the measure of her Majesty’s government, which is founded upon the same principles, and is likely to be attended with the same results.”

Why, Sir, fixed duty lurks under this ambiguous phraseology. He who moves the resolution is in favour of a fixed duty. How it can find approval with you, who are opposed to all duties whatever—how it can be worth your while to vote for this motion, which you know perfectly well involves in it, ambiguous though the words may be, the principle of a fixed duty and nothing else, I confess I am at a loss to imagine. The motion which the noble lord ought to have made—I mean, if he intended to maintain his own declared principles—would have stated distinctly and clearly what were the principles which he was prepared to recommend the House to adopt in preference to the principles of our measure. I thought the noble lord would have presented us with some such motion as would have brought fully and fairly to issue the question whether a fixed duty is preferable to a sliding scale; and if the noble lord had acted on former precedents, his motion would have been this—“Resolved, that no settlement of the question of the Corn-laws can be permanent or satisfactory which does not include within itself the principle of a fixed duty.”

Acting on the precedent of the year 1835, when it was difficult to bring men of conflicting opinions to join in a common course and unite in a common vote, that would have been the resolution which the noble lord would have brought forward. But in this case opinions are even more discordant than they were in 1835, and the noble lord has not had the benefit of a compact alliance; if on this occasion the noble lord had fairly announced in his resolution the principles on which he was prepared to act, and, consequently, it was necessary for the noble lord, and the advocates of total repeal, to concert what might be the best mode of covering the grounds on which they are severally prepared to support the same proposition, and how they might best hope to conceal from that enlightened public who, we are told, have their scrutinizing eyes upon us and our proceedings, what are the real differences between the noble lord and the parties whom he expects to support him to-night. But in fact any conflict to-night is not a conflict with a fixed duty, and I must say that, in respect of the general principles which have been laid down by the noble lord as those on which he should have legislated on this question, there is no material discordance between us. I also fully agree with the right hon. gentleman, that the great object which we ought always to maintain in view in legislating on the corn duties is the welfare and benefit of the great body of the people; and I think that man not a true friend to the agricultural interest who for the purpose of conferring any temporary benefit on that interest, tries to effect his object by calling on the great body of the public to sacrifice real advantages. Then, with respect to

the opinions of the noble lord, he said, that he would submit to any odium rather than agree to do what he considered to be injustice to the agricultural interest; he said that the agricultural interest would be entitled to protection on two grounds—first, if they were subject to any peculiar and special burdens; secondly, if in consequence of the long endurance of laws originally, perhaps, defective in their principle, the agricultural body had been led, under the sanction of the legislature, to embark their capital, and had entered into engagements on the faith of what the legislature had done,—then, that though in principle it might be competent for you to retrace your steps, yet, nevertheless, the considerations of sound justice and equity forbade you to return; but, on the contrary, imperatively demanded that you should continue to foster the interests which had grown up under your management. I say, then, that if these be the sentiments of the noble lord, with respect to the agricultural interest, I don't know, as I said before, that I materially differ from the noble lord, and whatever difference there is between us is not a difference of principles, but a difference only as to the mere nature of the measure which is fit to be adopted in order to carry out those principles, and it is because we are of opinion that we shall so best carry out those principles, that we propose a graduated scale on the footing of a duty, varying inversely as the price, and diminishing as the price rises, but guarding the agricultural interest against competition when the price is low, as far as is consistent with the interests of the consumer, and abandoning the duty when the interests of the consumer requires its abandonment. I consider that a better principle than the principle of a fixed duty, and therefore it is that I propose it for the adoption of the House. A fixed duty, indeed, the noble lord now seems inclined to abandon. “We will have no sliding scale,” says the noble lord, but still the noble lord in one case adopts a sliding scale. The difference between the noble lord and me is that he slides on one leg. The noble lord is prepared to maintain the system of averages to determine when the duty at certain prices shall cease altogether. Well, I think that my plan is the better of the two, because, as was justly observed in his able speech by my right hon. friend the vice-president of the Board of Trade (Mr. Gladstone), because the noble lord keeps on the fixed duty of 8s., when the price is at 72s., but at 73s. or 74s., determining the price by the averages, the noble lord proposes that the duty shall altogether cease. Now, if combinations can exist under the present system for the purpose of raising the averages, and if there is now, when corn is at 70s., inducement to hold till it reaches 73s., what an immense inducement to hold back will there be when the difference of 2s. in the price makes a difference of 8s. in the duty. And then with respect to America, the merchant there, finding the duty here remitted, when the price is at 73s., ships his corn; but the holders here have poured in corn upon the market in the meantime. It is then said to be their interest to combine to raise the duty. They do combine, and the price falls in consequence to 72s., and the duty rises to 8s., and the American merchant is left to put up with the failure of his speculation. The noble lord must, therefore, confess that after six months' time for deliberation, the only amendment which he proposes leaves unremedied almost all the defects of the present system. Sir, an attention to the debate that has occurred during these three evenings, the conflicting opinions expressed by many hon. members, and the different apprehensions entertained, must have convinced any gentleman, however wedded he may be to his own opinion, that to endeavour to effect a settlement of so complicated a question as the Corn-laws, is a task of no ordinary difficulty. Contrast the speech of the noble lord the member for Lincolnshire to-night with that of the right hon. gentleman, the president of the Board of Trade last night. [An hon. member.—The late president of the Board of Trade.] The ex-president of the Board of Trade, I mean. He spoke with such authority that I thought he was still in office. But contrast those two speeches. The right hon. gentleman told us last night that my mode of taking the averages would diminish the price, and raise the duty to the amount of 5s.; but what does the noble lord tell us to-night? He tells us that the greatest alarm had been excited in the county of Lincoln on account of the mode in which I propose to take the averages, for that, in point of fact, it would prejudice the farmer to a most material extent. At the views of the right hon. gentleman I confess I am surprised. I am surprised that he should have given utterance to an apprehension so unfounded. All I can say is, that I utterly disclaim

the idea of affording any additional protection to agriculture by the altered mode of taking the averages; and if on a consideration of the working of that system, I should be convinced that it will have any effect which I had not anticipated, I shall be prepared to consider the effect of so taking them. I hold it quite to be legitimate to correct any frauds that may now exist; but as to attempting to afford any additional protection to agriculture by an altered mode of taking the averages, that is false in principle, and I have no intention of effecting it. Whatever protection for agriculture I take, I will take openly. But then the noble lord the member for Lincolnshire tells us to-night, that there are scarcely two persons in that county who are satisfied with the scale as fixed with regard to wheat, but that as regards oats and barley, the scale fixed upon had met with unanimous and universal condemnation. Why, Sir, those different opinions, urged as fair objections to my measure, I look upon as conclusive proofs of the policy of our modifying our opinions. To effect any satisfactory settlement that shall carry with it that degree of assent and goodwill which all great public undertakings of the kind ought to carry with them, we ought to look to the opinions of extreme thinkers on the one hand, and on the other. We must look to the views of the advocates of free trade, and the advocates of continued protection, each differing to some extent and degree from each other, and from the proposition before the House. But while we observe the manner in which the proposal is dissented from by these two extremes, we must look to that intermediate class of persons which I am confident exists, which will deliberately consider the proposal, and examine the evidence in its favour and against it. And though they may not be entirely contented with the details, they will admit, that, on the whole, it is just and reasonable, and that being a good measure, it ought to be adopted as speedily as possible. Seeing the violence of the opposition with which I have been assailed for proposing this measure, and the disappointment and dissatisfaction that have been expressed in some of the manufacturing districts, and again, on quite opposite grounds, in some of the agricultural districts,—all which opposition I must have naturally expected,—I am supported through all this opposition by the consciousness that my colleagues and myself have attempted to suggest that which we believe to be wholesome at the time, and likely to obtain that practical good which ought to be the object in touching a great question of this sort; and that, on the whole, looking at the artificial state of the system affected by it, and the complicated and important interests that are involved, I declare again that our object has not been to conciliate the favour of any party; that we have not proposed the measure to secure the interest of any particular class; but looking at the whole complicated interests of this country, we have offered this, under circumstances of great difficulty, as a great improvement on the existing law, and as itself an advantageous measure, which will meet the wishes of the moderate thinkers on all sides, and one which ought, if agreed to, to be adopted as speedily as possible. And here let me refer to something which fell from the hon. and learned gentleman opposite (Mr. Roebuck), who, in a speech characterised by his usual ability, advised me to discard all class prejudices, to show, not perhaps that I am in advance, but at all events, that I do not lag behind the intelligence of the age, and to bring forward some grand and comprehensive scheme that would stamp me at once with the character of a great statesman. I will tell the hon. and learned gentleman what I think belongs more to the true character of the minister of such a country as this. I think it is more in keeping with that true character for me to aspire to none of those magnificent characteristics which he has described, and that the wisest and safest course for me to adopt is to effect as much practical good as I can, and not by pronouncing panegyrics upon general principles, which might obtain temporary popularity and praise, delay even a partial remedy for evils the existence of which all acknowledge. Now, considering the great difficulties attending this question, and forgetting, as I must forget, if I hope for any satisfactory termination of them, the minor interests of party, and those party differences which have caused so much asperity in former debates, and remembering that I am in a very different position as minister of the Crown from the hon. and learned gentleman, and also now from the noble lord the member for the City of London, —situated as I am, I must try to effect a practical adjustment of this question as much to the satisfaction of the general classes of the community as I can. The hon.

and learned gentleman would find it easy, it seems, to apply the great principle of free trade to this question, but I am compelled to look to the mighty interests that have grown up under the system of restriction. You, the hon. and learned member, give me an estimate of the corn grown in this country—you tell me of 22,000,000 quarters of wheat, and in all 45,000,000 quarters of grain; now, think of the amount of capital engaged in the production of that enormous quantity of 45,000,000 quarters of grain. Think what pecuniary interests must be involved in the production of such an amount of grain. Think, too, of the amount of social interests connected with those pecuniary interests which are also involved—how many families are depending for their subsistence, and their comforts, upon the means of giving employment to thousands, before you hastily disturb the laws which determine the application of capital. All these considerations you may disregard, or overlook, in your haste to apply the principles of free trade; but let me tell you, if you do so, you are the real enemies of the application of those principles. If you disregard those pecuniary and social interests which have grown up under that protection, which has long been continued by law, then a sense of injustice will have been aroused, which will revolt at your scheme of improvement, however conformable it may be to rigid principle. How many leases have been formed under the existing system—under the faith of these laws? Take the case even of the tenant-at-will, and how can you instil into him the idea that it is a landlord's question, and not a tenant's question? His capital is embarked in agriculture. Do you think it possible not strongly to affect that capital by pouring in millions of quarters of corn duty free, diminishing his means in the same degree that you diminish the price of corn in the home market? Do you think you can safely disregard the position in which the tenant-at-will even would be placed by the adoption of your free-trade principles? But in the case of the farmer who is under a lease on the faith of the endurance of your acts of parliament, what would you do? If the laws have been defective, that is not his fault. If for 140 years you have continued the protection to agriculture, is it possible lightly to regard the interests which have grown up under it? 140 years of protection are no proof that that protection has been in itself wise; but if you have continued the protection for 140 years, that is a decisive reason why you should touch most lightly and carefully the interests which have been established under that protection. Take the case of your own acts of parliament—take the case of the Tithe Commutation Act, which you passed some seven or eight years ago. You assume in that act that a certain price of corn shall determine the amount of rent charge for which hereafter each tithe-payer shall become responsible. You vary the price, it is true, year by year, and the amount of rent will vary with the price, but the original quantity will remain, the number of bushels, whatever may be the price which shall hereafter continue to be paid, and that appears to me a conclusive reason why, in approaching this subject, you should make with the greatest caution any change in the laws for the protection of corn. Take the case of Ireland. The noble lord proposes to admit at once oats there at a duty of 3*s.* 2*d.*, or 3*s.* 4*d.*, I forget which. The right hon. gentleman proposes to admit oats from all parts of the continent duty free. Does any one think that this would be either wise or just? Ireland having been in the habit of sending 3,000,000 quarters of grain annually to this country, would it be either politic or just at once, and without notice, that corn having been ground and sent here upon the faith of your own legislation, either to admit oats, barley, or wheat, the growth of the continent, into your markets, perfectly free, or at such a duty as 3*s.* 2*d.*? If at the same time that you alter the Corn-laws, and attempt to make an arrangement respecting corn, you should deem it desirable to inquire into the laws which affect the importation of other commodities, I must say that I should wish to substitute for a system of prohibition a system of protection, at such duties as would ensure ample security to him who had hitherto flourished while relying on the system of prohibition, that his interests would not be lightly interfered with. Again, I find that in Ireland there is a positive prohibition to the importation of flour. I cannot maintain the continuance of that prohibition, if about to make a settlement of the Corn-laws. There again important interests are involved; and when I look to the vast and complicated interests generally, which are involved in this question of the provision laws, I say, in the first instance, it is absolutely necessary, if you wish to act consistently, that you



should adopt any measure you may take with the greatest circumspection and caution; and secondly, that I am convinced, whatever may be the clamour of those who sincerely believe that there should be no import duties upon provisions, that he who does act with circumspection and caution, will, in the end, be more likely to succeed than he who inflicts great injustice by hasty and precipitate legislation. It is upon these principles that the government have considered this question of the Corn-laws, and it is in pursuance of these principles that I have submitted to the house a measure, which is denounced by the eager advocates for free trade, as a perfect mockery and delusion, and by some even as an insult to the sufferings of the people, but which I, notwithstanding those condemnations, do believe to be a great improvement in the existing law, which I do believe to be a concession of protection which the agricultural interest can make without danger, and which I do believe to be a measure which will at the same time permit corn to be imported into this country on a better principle than that which, under the existing law, has hitherto regulated its importation. Let me, for a moment, examine the scale, or at least the leading principles of the scale, which I propose. It certainly does at the price of 50s. fix a duty of 20s.; but then that duty is, under no circumstances, to be increased. The noble lord says that it is a prohibitory duty. The noble lord, however, will find it very difficult to apply a duty which will not, under certain circumstances, amount to a prohibitory duty. The noble lord spoke much of the advantage of putting the United States of America on the same footing as the Baltic. He said that the United States was a power with which we ought to endeavour to carry on an extensive commercial intercourse; that it contained immense plains, bordered by rivers, which would afford a ready means for the conveyance of exports and imports; and that it would be of the greatest advantage to us to be able at all times to carry on a trade with that country. But the noble lord also said that the cost of a quarter of American wheat, when brought into Liverpool, would be 47s. Now, considering the disadvantages under which the United States stands, with reference to corn, I should have thought that at that price no duty ought to apply; but the noble lord fixes a duty of 8s. upon corn from America at the price of 47s.; and that being so, I would ask, whether, when the price of English corn is at 50s., the noble lord's fixed duty of 8s. would not, according to his own showing, amount to a prohibitory duty? It may be less a prohibitory duty than that which I propose. Yes; but that is not the question we are now examining. The noble lord laid down the principle that there should be no prohibition, in order that there might be a constant importation from the United States; and I am endeavouring to prove, from the noble lord's own showing—although in a degree my proposal may be more objectionable than his, in the particular point in question—that when the price of corn was at 50s., his duty of 8s. would operate as a prohibitory duty upon American corn. I do propose a duty of 20s. when the price is under 51s.—a proposal I am aware, to which objection exists on the other side. But in making it, I stated, what I now repeat, that I did think when the price of grain was under 51s. in this country, that there could be no public evil in prohibiting the importation of foreign corn! that 20s. would be sufficiently effectual for that purpose; and I also said, what I now say again, that I thought a superfluous protection involved nothing but positive obloquy and mischief. I vindicate that amount of duty, not for the purpose of protecting the special interests of particular classes, but because I think it important to give to the farmer that encouragement which shall induce him to continue a system of improvement, by preventing a sudden import of corn, when that corn is not required for home consumption. I think it is for the public advantage, as well as for the farmer's own peculiar interest, that I should tell him upon whose labours we are now depending for 45,000,000 quarters of grain—knowing the effect that a sudden influx of corn must have when corn is sufficiently abundant at home for all the purposes of the consumer—I do say it is for the public advantage that I should say to him, "Continue your improvements; I cannot undertake to guarantee to you by legislation a particular price, for this I will say, that as long as corn is under 51s. you shall not be exposed to the importation of foreign corn." And now let us take the intermediate part of the scale—let us take it at 56s. or 57s. Here the argument is, that according to Mr. Meek's papers, it is impossible that foreign corn could come into competition with home produce. Now, a greater fallacy I never heard

in my life than that which has been made use of to prove that proposition, and to justify those who used it in saying, that my scale is as defective as the existing one—that it stripped the present scale of some of its evident deformities, but yet that it gave the same degree of protection, or rather that it as effectually excluded foreign corn when foreign corn could be of any advantage. Gentlemen placing those papers before them argue in this way—they say that it appears from the consuls' returns that the price of foreign wheat would be on the average 40s. 6d.; that the charge for conveyance would be 5s.; and that consequently foreign corn could not be introduced into the English market at a less price than 45s. 6d., which a duty of 16s., supposing the price of home corn to be 56s., would raise to a prohibitory price. Now, that is one of the greatest fallacies I ever heard. They add up together the entire prices given by the consuls at all the different places, including Antwerp, where the price is 55s. 6d., and Rotterdam, where it is 55s., places where the price is entirely governed by the English market. The fair way to determine the question, when the price at home is 58s., 59s., or 60s., is to take those places from which foreign corn may be imported at the lowest price. By that means I will prove to you the utter absurdity of your mode of taking the averages. Supposing there are only two places from which corn can be brought—supposing that at Odessa wheat is 26s., and at Antwerp 56s. 5d., united these two prices make 82s. 5d.; divide them, and you have an average of 41s. 2½d. Now would it not be absurd for any man to argue that we are safe from the corn at Odessa because the average price of it, when united with that of Antwerp, was 41s. 2½d., at which price foreign corn could not be introduced? In what a miserable plight would that corn merchant be who founded his speculations upon such a principle as that? The question then is, not what Odessa wheat may average in price when united to that of Antwerp, but what is the price of wheat at Odessa, what the charge for freight from Odessa, and what the price at which wheat can be brought into the English market from Odessa? I will take the case of Danish wheat. I think in determining whether foreign wheat can come in at a given price, it is important to consider the questions—first, as to the port from which that wheat is sent; and secondly, as to the quantity that can be exported from that port. Now what does Mr. Meek say with regard to Denmark? He says, “The prices of corn in Denmark have, during the last twenty-five years, averaged—for wheat, 28s. 10d. per quarter; rye, 19s. 9d. per quarter; barley, 14s. per quarter; oats, 10s. 6d. per quarter. Considering the depression of the corn market during the greater part of that period, and that the prospect of a permanent sale of corn in England will be likely to render the continental markets more steady and more firm than they have hitherto been, it is probable that the prices, free on board, would not be much below the following quotations:—wheat, from 30s. to 31s. per imperial quarter; rye, from 22s. to 25s. per imperial quarter; barley from 16s. to 20s. per imperial quarter; oats from 12s. to 15s.”

And he adds that—“In case of a regular and steady demand in England for foreign corn, the quantity produced in Denmark and Sleswick Holstein, might, without much difficulty, be considerably increased.”

And in passing a law regulating the importation of foreign corn, is it not wise to deliberate upon what may be the possible supply in future years? Is it not a wise principle of legislation not to take wholly the prices of corn now, but to consider what may be the increased improvements by railways or otherwise, what may be the effect of a regular demand, and what may be the diminished freights? Ought we not to take all those things into account when we propose to legislate, without ever having the opportunity of retracing our steps, at least so far as the agriculturists are concerned? Mr. Meek says further, that “The freight of wheat to the east coast of England, in ordinary times, varies from 3s. to 3s. 6d. per quarter in summer, and from 4s. 6d. to 5s. per quarter in autumn, and for the other sorts in proportion.”

And that “The prices of corn per quarter paid in the interior are scarcely to be ascertained with any degree of accuracy. They vary considerably, almost each province, and even each town, delivering a different quality of grain. The prices that have been paid in the provinces during these latter years, so far as the same can be ascertained, appear not to have exceeded the following:—For wheat 23s. 6d. to 29s. per quarter; for rye 17s. to 20s. per quarter; for barley 10s. 9d. to 15s. 6d. per

quarter; for oats 8s. 6d. to 10s. 6d. And in 1841—For wheat 35s.; rye 23s.; barley 16s. 6d.; oats 11s.”

And he adds that “The freight of grain by water from the provincial ports to Copenhagen, Kiel, or Elsinore, may be computed at from 1s. 4d. to 1s. 8d. per quarter, adding to the cost of conveyance the expense of removing, warehousing, and turning the grain, putting it into condition, loss in measure, and shipping charges. The total expense at the port of shipment would amount to from 2s. to 2s. 6d. per quarter greater, on an average, for the several descriptions of grain.”

And thus many experienced persons in Denmark, “are of opinion that if the trade in corn were made constantly open at a moderate duty, wheat and corn generally would be grown in Denmark to a much greater extent than it is at present.”

I think, then, that if I show that the price at Elsinore is 28s. 10d., and that the freight from Denmark does not exceed 4s. per quarter, I prove that, at least from Denmark, corn would be introduced into this country when the price is less than 61s. per quarter. But you will say the quantity grown in Denmark is insufficient to supply the wants of our population. Now, what does Mr. Meek say on this point? He tells us that the average export of wheat from Denmark is from 150,000 quarters to 200,000, in addition to 250,000 quarters of other grain; and Mr. Meek adds, that that quantity, great as it is, might be exceeded if corn were shipped from thence to any considerable extent—that is to say, 700,000 quarters of corn might be brought here in years of moderate growth. Then, I say, if prices are below 50s. in England, and there is a great quantity of surplus wheat in Denmark, do not discourage home production, do not chill the expectations and blight the hopes of your own farmers by permitting the Danish agriculturist to throw a quantity of his corn at a low rate of duty into your market, and so damage the prices of your own produce. It is on that principle of protection to your own growers that I found my measure. I cannot hope that this country will ever be entirely exempt from dependence to a certain extent on foreign supply. I do not doubt but that some corn must be imported, but what I say is, do not import corn to the injury of your own producers, but import it as a supplemental supply to fill up any deficiency in the products of your own soil. When you tell me that the habits of the people are formed in correspondence with their consumption of food—when you tell me that the comforts of the people are dependent to a great extent upon that supply, you only convince me that my proposition is a just one—that you ought to draw your supply mainly from your own soil, and not expose yourselves to the hostilities, to the caprice, or to the failure of the crops, of foreign countries. I tell you, if you do so, the time will come when you will repent it. When your wheat harvest is deficient, and you are suddenly obliged to place your reliance upon a foreign supply, you may find that that reliance is not a safe one, and that it would have been better to have promoted the growth of your own corn. I know that you think such a doctrine as that opposed to your principles of free trade; but in discussing a question like this—in considering that prices are more peculiarly affected by influences which fluctuate, and must of necessity be uncertain—I own it appears to me that the strict principles of free trade cannot be applied without danger to the interests of the community. But my main object is to show, that with respect to some countries, the scale of duty, as I have fixed it, between 54s. and 60s., will admit of the import of foreign corn, and of the application of your general principle. That application may not be to so great a degree as you desire, but it is infinitely greater than you believe. Now let us take the upper parts of the scale. I want to show you, by a comparison with any other hitherto proposed, that my scale is infinitely more beneficial to the consumer. Take the duty I propose to levy when wheat is between 64s. and 72s., a period which certainly indicates severe pressure upon the people. Let us compare my scale at these prices with other scales that have been submitted, remembering that my principle is, that above 60s. the interest of the consumer ought to be considered. Of course, the interest of the consumer ought to be considered at all times; but when prices are at that amount, what I contend for is, that then they ought to be specially considered, and that the interest of the farmer should be, in comparison, overlooked. Now, look at the scale of duties I propose to levy at these critical periods. And here I cannot help saying—I really must say—that I cannot understand how sensible and enlightened men, like some of the hon. gentlemen opposite,

can for a moment conceive that my scale is no improvement. How can they hold that I offer no benefits to the consumer? Why, just look at the scale I propose, and compare it with that at present existing. According to my proposition, when wheat is at 64s. the duty will be 8s.; the present duty is 22s. 8d. Can any one say that I do not relieve the consumer? When wheat is at 65s., I propose that the duty shall be 7s.; the present duty is 21s. 8d. I propose a 6s. duty on wheat at 66s.; the present duty is 20s. 8d. I propose that the 6s. duty shall continue until the price is at 68s., and then it diminishes 1s. upon every shilling the price rises. But you say that this scale offers no security that the holders of corn will not continue to hold. Can you deny that the inducement to hold is rendered infinitely less? Will there not be an inducement in the natural operation of commercial enterprise to bring the corn into the market, and sell it even when the duty is 6s. a quarter? Now, suppose the price of wheat to be 66s., at which price a duty of 6s. would be levied, that duty continuing until the price reaches 68s. Now, what would be the natural feeling of the holder of corn under such circumstances as these? Would he not say, it is better to realise at once than to wait until the price reaches 68s.? Would he not argue that it might be dangerous to take the chance of a rise in the price, accompanied by a corresponding fall in the duty? He would naturally be disposed to think, that others might be importing, and that the consequence might be a diminution in the price, which would prevent him from throwing his wheat into the market with advantage. These calculations, I say, would no doubt enter into the importer's consideration, and influence his conduct; and, under such circumstances, it is my firm conviction, that corn would be brought in at the 6s. duty in such quantities as would afford a very great relief to the consumer, and a protection to the agriculturist from all the disarrangements which follow upon the sudden influx at a duty of 1s. But now, having compared the probable operation of my scale with that at present existing, let us compare it with that proposed by Mr. Canning. What was Mr. Canning's scale? He proposed, that when wheat was 64s. the duty should be 12s.; I fix the duty at 8s. I propose, that when wheat is 65s. the duty should be 7s.; Mr. Canning fixed it at 10s. When wheat is 66s., I propose a duty of 6s.; Mr. Canning proposed to impose a duty of 8s. Now, take the noble lord's scheme. Compare the high prices under his proposal with the high prices under my scale of duties, and I am sure all reasonable persons will form the conclusion, that my proposal is much more advantageous for the consumer. From 64s. to 72s., the noble lord proposes to levy a duty of 8s. According to my scale the duty at 70s. will be only 4s., whilst at 73s. it will be merely the nominal sum of 1s., the noble lord's duty being 8s., unless he reduces his scale by the sudden diminution he spoke of the other night. Why, it is impossible not to come to the conclusion, that of the two propositions mine is infinitely the more advantageous to the consumer. It is impossible to draw any other inference, and I beg to say, that that inference is drawn by those who are better judges upon this subject than we ourselves. I ask you to judge, not by the apprehensions of the agriculturists, or the denunciations of the free-trader, but to examine the reports of those who are most conversant with the corn trade. Why should there be a universal combination on their part to speak favourably of this scale? The hon. member for Coventry, by whose speech of last night I was much amused, represented all those dealers in corn as innocent doves, whom it is very easy to deceive. The hon. gentleman predicted, that under my scale there would be at first a great relief; he admitted, that if it should pass into a law, great many holders of foreign grain would not keep up their corn in the hopes of pouring it in at a duty of 8s., 7s., or 6s., and that the pressure on the consumer would be diminished. If the hon. gentleman, then, will only let my bill pass into a law, I have his admission, that there would be a great relief to the trade. But then the hon. gentleman saw great danger of having his argument refuted by this admission, and he said, "These corn-dealers will be deluded at first; they will not understand the operation of the new law; but the time will very shortly come when they will be aware of the advantages they may gain by operating so as to lower the duties, and then do not calculate that you will not again have the same frauds repeated."

Why, was there ever any thing so absurd as to suppose that a corn dealer will not have a pretty good notion of what is for his own advantage? Every speech I hear

in which a gentleman is betrayed into a fit of candour, contains some sentence from which I can perceive, that amid all the loud denunciations which are indulged in, there is a confident assurance on the part of the speaker that my scale is an immense improvement. And those attempts which are made to deprive me and my plan of the credit of the advantage which will result from it, if in two months after the passing of the law great relief will ensue to the consumer, by showing that I am hoodwinking and deceiving the dealer in foreign corn, only show to what shifts intelligent gentlemen are reduced in order to find in it matter of censure. I received this morning from Liverpool the circular of one of those unfortunate gentlemen who are so easily deceived, dated Corn-Exchange, Tuesday, February 15, in which it is said, "The new scale must be considered a very important change."

Compare the rates at which corn can be imported into Liverpool under the present scale, and under that which is proposed. "The present price of wheat on an average of six weeks is stated in the circular at 61*s.* 10*d.* a quarter. The duty which the holder of foreign corn would have to pay at present is 2*s.* 8*d.*; under the new scale it would be 11*s.* On barley the present duty is 1*s.*; by the new bill it would be 9*s.* On oats the duty is now 16*s.* 9*d.*; by the new bill it would be 6*s.* On rye it is 9*s.* 6*d.*; by the new bill it would be 2*s.* 6*d.* On beans it is 18*s.* 3*d.*; by the new bill it would be 8*s.* 6*d.* On pease it is 16*s.* 9*d.*; by the new bill it would be 7*s.* 6*d.*"

This is the scale which is said to be a miserable delusion and deception on the public when prices are high, and to offer no advantage to the commercial interests. Then as to flour, the article in which the Americans are so much interested, this circular states, that at the present moment the import duty on American flour is 15*s.* 5½*d.* per barrel, whereas under the new scale it would be 6*s.* 6*d.* But then it is said there will be no real advantage in this, for I take no precautions against the practice of frauds on the averages. I say it is impossible that gentlemen can seriously entertain this opinion if they will examine the figures. I should ask any rational man who examines my scale to say whether it is consistent with truth and sound argument to assert that I am practising a miserable delusion upon the public, and that I give no advantage to regularity in the trade. Nothing can be so various as the opinions by which I am assailed one after the other. Some disinterested persons tell me to abandon the scheme and retain the present law. No doubt, it would be better to have such a great grievance to complain of. That is what some wiseacres advise, in the hope that public indignation will be directed against me. I think I take a better part in attempting an improvement. Then the noble lord (J. Russell) advises me to propose an 8*s.* duty, in the hope of allaying all opposition from every quarter. Do not disturb, says the noble lord, unless you settle. The retention of old customs is, according to Lord Bacon, very unwise; but the disturbance of old customs, unless you settle and arrange peaceably and amicably, is more unwise still! The noble lord tried an 8*s.* duty last year. If he had proposed that duty now, does he hope he could carry it with satisfaction and contentment to all parties? Let the noble lord sound to the detachment of allies who hang upon his left flank, and who, although they may vote with him, have not, I think, aided him very materially in the discussion. They seem to me to have shown more innocence during its progress, because they feel that those high and enlarged principles of which they think themselves to be advocates, are not at stake. But supposing the noble lord sure of a majority for his duty of 8*s.*, does he think that would be a permanent and satisfactory settlement of the question? If the noble lord had carried it last year, this year as a minister he would have come forward to amend it. Light has broken in upon him now which he then did not perceive; I speak it not to his dispraise. I ventured to warn him last year, not to be too confident of maintaining an 8*s.* duty when prices rise high, and that he might be certain that a pressure would be made upon him to induce him to abandon it. He and others then thought an 8*s.* duty could be rigidly maintained, but this year, in order to calm apprehension, he is willing to provide the means of dispensing with the duty when prices rise. Now, I must say, that the Corn-law which involves in itself a self-executory principle, and is enabled to work without calling in the intervention of parliament or the privy council, has a great advantage over one which requires the interference of the executive for the purpose of

regulating commercial duties. Therefore, if the noble lord tells me, that many on his side are dissatisfied with my plan, and that the disturbance of old customs is, according to the sage advice of Lord Bacon, an unwise thing, unless you make a permanent and satisfactory settlement, he must, I think, abandon the hope of acting in strict conformity with the advice of that philosopher, if he supposes that an 8s. duty will secure him from hearing again on the subject of the Corn-laws. The House will perhaps agree with me, that it was necessary for me to vindicate my scale from some of the imputations which have unjustly, as I think, been cast upon it. I know well the difficulties which attend all arguments and statements on this subject; and when I try to answer unreasonable objections, by showing that foreign corn may be imported under my scale, I am perfectly conscious that I fortify the objections of those who are adverse to any change. I know I cannot stir one step in a matter on which opinions are so divided without exposing myself to this. If I try to calm an apprehension here, I see a note taken on the other side; if I try to answer an unreasonable objection there, I am met, not by obstacles, but by the intimation of alarm on this side; and it is whispered from one to the other, that I am conceding too much. This is inseparable from the task I have undertaken. I do believe, that in a mere party sense it would have been wiser for me to say—I will stand by the Corn-laws, and resist all change. Some tell me, that all the change required is an amendment of the averages. But other considerations, other responsibilities, press upon those who are charged with the administration of affairs. I stated before, and I repeat, that in considering this question, the arrangements which ought to be made, consistently with enlarged and comprehensive views—avoiding disturbance of capital embarked in agriculture, and the clouding of the prospects of worldly prosperity and social happiness of those who derive their subsistence from land—looking, again, to the state of commerce, to the advantage, when there is to be a supply of corn, of so introducing that corn that there may be the least disturbance of the monetary system of the country, the greatest approach to regular commercial dealings, the greatest encouragement consistent with due protection to agriculture, to manufacturing and commercial industry—having to consider all these questions—having to weigh their relative and comparative importance, the measure upon which we have determined is that which we conscientiously believe to be, upon the whole, the most consistent with the general interests of the country. We did not confer with agricultural supporters, for the purpose of ensuring their concurrence—we did not permit the abatement of it in this particular or in that, in order to ensure its success. I gave a proof, I think, that I was ready to incur some risk to the government, by persisting in advising that which I believe to be for the best. Upon these principles we shall continue to act. We shall expect, no doubt, from some, violent opposition; we shall fear from others extravagant apprehensions; our reward will be the consciousness that we have acted on the principles which we believe to be right; our hope and confidence in success will be, that when the first storm of passion may have passed away, and when clear judgment and reason and the examination of the documents which we have presented, shall mitigate unjust apprehensions on the part of the agricultural body, then, though extremes may not be reconciled, and may continue irreconcilable, yet, after the old practice in this country, reason and moderation will gravitate towards that which is just; and, supported by that reason, supported by those who may differ as to degree, but who agree in thinking this a positive, substantial improvement, we entertain a confident hope that we shall triumph over all obstacles, and have the satisfaction, without injuring the agricultural, and with benefit to the commercial and manufacturing interests, of amending the laws which regulate the import of provisions into this country.

Lord John Russell's motion was negatived, and the question, "That Mr. Speaker do now leave the chair," carried by 349 to 226; majority, 123. The House resolved itself into committee and resumed—committee to sit again.

## CORN-LAWS.—MR. VILLIERS'S MOTION.

FEBRUARY 23, 1842.

In the fifth night's debate, on Mr. Villiers's motion for a total repeal of the Corn-laws,—

SIR ROBERT PEEL said, Sir, when I took the opportunity of submitting to the House of Commons the proposal of her Majesty's government on the subject of the Corn-laws, I felt it my duty to state to the House, that I thought the extent to which the existing Corn-laws had operated to cause or to increase that distress, the existence of which was not denied, had been considerably exaggerated. I thought that other causes had been in operation which might be referred to, as accounting in a considerable degree for that distress. One of those causes I then stated to be, that there had been an undue stimulus given to commercial and manufacturing enterprise, in consequence of the aid afforded by the joint-stock banks to merchants and others acting in conjunction with those joint-stock banks. For these statements I have been called to account by several hon. members. I have been told, that this doctrine of over-production and undue speculation was perfectly ridiculous, and it consequently is with some satisfaction that I hear from the hon. gentleman, whose attention has been especially called to this part of the subject, and who represents the borough of Manchester—the great seat of the cotton manufacture—statements confirming, in the fullest extent, the statements I then made, and admitting that by means of that undue and unnatural excitement which was given in the way I described to commercial speculation, a great portion of that distress had been brought about. In this the hon. gentleman implicates his constituents. It may be also that there was an over issue of bank notes, and other causes of distress, in operation; but I only referred to these causes in order to justify myself in not holding the sentiments of those who were looking despondingly at a situation of the country which I considered to be peculiar, and partly to be attributed to other causes, by taking proper precautions against which such causes might be prevented from occurring again. In that, I am altogether confirmed by the experience and practical knowledge of the hon. gentleman. I said also that, with respect to the diminution in amount of our exports to the United States of North America, the derangement which had taken place in the monetary system of the United States might have had some operation. There also I have the hon. gentleman's sanction. He most justly said that, however our own monetary system had been deranged, the same cause had operated to a greater extent in the United States, and that such monetary derangement in the United States must necessarily have operated injuriously to our own manufacturing interests. In 1839, the declared value—not the official value—of our exports to the United States of the chief articles of manufacture, such as woollen, linen, cotton, and silk goods, hardware, and other British and Irish goods, amounted to £7,585,000; in 1840, they were £8,839,000; and in 1841, they fell to £5,200,000. That has no doubt been compensated by an increase in other articles; but still those houses which are concerned in the American trade, must have suffered by this sudden and extraordinary depression, and it must be difficult, although the whole amount of exports may not be diminished, to prevent great, partial, and individual distress on account of the interruption of such a market. I stated also in that speech, that the disturbance of our amicable relations with China might be considered as another cause of the distress. The hon. gentleman, the member for Paisley, differed from me on that point. He said, that the total amount of our exports to China had increased, although the amount of our direct exports had considerably decreased. The hon. member said, that that diminution in our direct exports to China, had possibly led to my overrating the effect of the disturbance of our relations with that country on our trade. It is my anxious wish not to overrate it. Our direct exports to China during the three years already referred to, exhibit a considerable diminution. In the year 1839, our direct exports to China amounted to £1,204,000; in 1840, they fell to £851,000; and in 1841, they still further fell to £524,000, that is to say, at the same time that the great diminution took place in our exports to the United States. But the hon. gentleman, the member for Paisley, said, that although the document to which I referred showed a great diminution in

the direct exports, yet there was still a considerable indirect export into China, and by that means an increase upon our whole exports. I think he mentioned particularly our exports to Singapore. The hon. member I understood to say, that our exports to the East Indies had generally increased, but he particularly referred to those to Singapore. Now, I will take the exports to Singapore and China together. In 1839, the amount of our exports to Singapore and China together was £1,582,000. In 1841, they were £1,311,000. Then, even taking the exports of the two together, there appears a considerable decrease. Our direct exports have considerably decreased, and although the exports to Singapore present a considerable increase, and granting that a considerable portion of those increased exports found their way into China, still, although I may rather have overstated the diminution in our exports to China, I think the hon. member is hardly correct in saying that, coupling the indirect with the direct exports, there had been a considerable increase. I speak with great respect for the authority of the hon. member, and if I have overstated the diminution in the exports to China, I can only assure him that that overstatement has been unintentional. I at the same time professed an opinion which I know was unpalatable to those who heard it, but which a sense of duty compelled me to offer. I stated, that I thought the prejudicial effect of the Corn-laws upon the manufactures of this country had been considerably overrated. Sir, finding that this question has been spoken to by hon. gentlemen, speaking with very high authority upon the subject, I have reconsidered that opinion. I can assure the House, that no man entertains a higher sense than I do of the value of manufactures. It would be ungrateful in me, and most unwise, were I to undervalue the importance of the cotton manufactures to the best interests of the country. When I sat on the other side of the House, I often stated an opinion to the same effect. I always expressed my sense of the importance of manufactures to agricultural prosperity. I have always maintained the opinion, and I repeat it now, that the prosperity of manufactures in this country is of more importance to the interests of agriculture than any system of Corn-laws whatever; and therefore, in proposing, as a minister of the Crown, an alteration in the Corn-laws, when I stated that opinion, I did not do so for the first time. But I look to documents furnished by eminent and enlightened men as to the progress of the cotton manufacture, and I see in those documents, from which others draw conclusions opposed to mine, a strong confirmation of my opinion, that the prejudicial effect of the operation of the Corn-laws upon cotton manufactures has been very much overrated. Sir, we certainly used to be told, that the effect of the Corn-laws, by raising the price of food in this country, was to disabuse us from entering into competition with other manufacturing countries. Surely, the argument when exports were diminished was, "See the prejudicial effect of the Corn-laws! The exports of manufactured goods have considerably diminished, and the cause of it is the greater cheapness of food in the competing countries, and our inability to enter into competition with our rivals." That surely used to be the argument in former times; but now that the hon. gentleman who represents that great manufacturing interest, finds the exports have increased, he turns round with a philosophy which, I confess, somewhat surprised me, and says, his opinion has undergone a complete change, for that he now finds the increased exports of cotton manufactured goods have only led to greater failure and distress. [Mr. M. Phillips: Within the last two years.] But although the profits of the manufacturers may have diminished—[Mr. M. Phillips: There have been none at all.] But how does that show the danger of foreign competition from the lower price of food in the competing countries? You say, "True, we can now manufacture goods so cheaply, that we are enabled to export larger quantities, but you must not consider that as an indication of manufacturing prosperity." Granted: that increased export may not necessarily be a test of corresponding prosperity; but it is at least a decisive proof that the price of food in this country has not prevented you from overpowering the competition of other countries; because, notwithstanding the price of corn in this country, you have been enabled to undersell all your foreign competitors. ["No, no!"] But you have been enabled to increase your exports. I have been present at debates in this House during the last thirty years, and I have never heard but one story—"True, the exports have increased, but no one has gained any thing by it." It is in vain to adduce proof that within the last two years ninety fresh mills



have been set in operation. I will concede that if they were old mills you might reply that you kept them in work because it was better to continue than to discontinue the machinery; but how do you reconcile this declared loss to the manufacturer with the singular fact that in one district alone there have been within the last two years ninety new mills in operation? "In my particular district," says Mr. Horner, "there have been ninety-one new mills brought into work within the last two years." But you will answer that they were built before—that they were begun before the present state of things commenced; yet if no profit was likely to be made, if they could only be worked at a loss, surely it would have been better to let them remain unoccupied than to have set them working in every direction, with the evidence before your eyes that they could only be worked at a loss? The words of Mr. Horner are,—“Finding that there was this great increase in the consumption of cotton, I was led to the inquiry, what had been the increase of mills in my district; and it will be seen by the list in the appendix marked No. 2, that of new mills and others in existence, but newly set to work, the number since the 1st of January 1839, was ninety-one, having the power of 3350 horses. It must be remembered, too, that I am speaking of them in my own district only.”

But then you say, “It is true our exports have increased, but that is in consequence of the falling-off in the home consumption.” If I have not mistaken the argument of the hon. gentleman, the member for Manchester, he says, that although it is true that our exports have increased, yet that there has been such a falling-off in the home consumption on account of the dearness of provisions, that the goods having been manufactured and the demand at home having decreased, it became necessary to dispose of them in some way or other, and therefore they have been sent abroad. Now, just let us look at the history of the progress of the cotton trade. It is impossible for me to dispute the evidence of the existence of severe distress, and I think I am right in stating, that of all the manufacturing trades that of cotton has suffered most. I may also observe that in those districts in which cotton was the chief manufacture, there did the greatest distress prevail. I wish to justify my own position, and to show that the prejudicial effect attributed to the operation of the Corn-laws has been exaggerated. I cannot, I confess, entertain the confident expectation that a change in the Corn-laws will be found to afford any sudden, immediate, or extensive relief to that distress which I so much lament. And now I turn to the question of home consumption. Here is a pamphlet, which I believe to be a high authority—it is the pamphlet of Mr. Greg. He gives a statement of the quantity of cotton manufactured in this country in each year since 1824—first, an account of cotton exported in goods and yarn, and then the amount of cotton consumed by the home market. Now, during by far the greater period of time which he takes, the Corn-laws have been in operation. I think it will be admitted that to select a particular year would hardly be fair, and that in making a comparison you had much better take three or four consecutive years upon which to form a judgment, than to argue for a solitary or particular case. For instance, I am sure it would be thought unfair if I said I would show you that the price of provisions had nothing to do with the home consumption of manufactures, and then took the year 1840, when the price of corn was very high, to bear me out in saying so. For if I take that year, I find that there was a greater consumption of manufactured cotton than in any one preceding year. You say to me that the price of provisions prevents the consumption of the home-manufactured article; that the people must buy corn, but that having done so they have nothing left to expend in clothing; and that that accounts for the depression of manufactures. But what is the fact? In the year 1824, you consumed 64,000,000lbs. of cotton to supply the home demand; in 1827, you consumed 78,000,000lbs. You then went on advancing until 1840, when the amount consumed reached 175,000,000lbs.; and in the last year you consumed 103,000,000lbs. But let us now take the average of four years, when you say trade was most prosperous, for I recollect that the Manchester Chamber of Commerce stated, in a document which they presented to the committee on Banks of Issue, that during the four years up to the end of 1836, commerce and manufactures were in a most prosperous state. Speaking of the manufacture of cotton at Manchester, the Chamber of Commerce said, that they considered there never was a period of four consecutive years, when the manufacture of cotton had been greater than during

those four years when there was no importation of foreign corn. Is it not, then, remarkable that if the importation of foreign corn, or the exchange of foreign corn for your manufactured goods, was essential for your prosperity—is it not remarkable that during the four years which were distinguished above all others for the prosperity of the cotton manufacture, there was a less amount of imported corn than in any other? From 1833 to 1836 inclusive, the whole amount of foreign wheat imported into this country did not exceed 130,000 quarters on the average. I know perfectly well what the answer is. I know you may say—"True, manufactures were prospering during that period when the importation of foreign corn was very slight, but you nevertheless prove the advantage to manufactures of cheap provisions, by selecting a period at which the average price of wheat did not exceed 47s." Yes, but then in saying that, you abandon the argument that the importation of foreign corn in exchange for your manufactures is essential for your prosperity. I am showing you that the four years which the Manchester Chamber of Commerce selected as years of the greatest prosperity were the years during which there was the least importation of foreign corn. But then you say to me—"True, we did not want the importation of foreign corn then, because in 1835, the price of our own corn was only 39s. 2d., and although there might have been great agricultural distress at that period, still the cheapness of corn supplied the necessity of imported corn." Your argument is, that according as corn is cheap so will manufactures flourish. I will take Mr. Greg's account for the years 1833, 1834, 1835, and 1836, and compare those four years of cheapness with the four last years, when corn was extraordinarily high. There has been no such great increase of population during that period as to call for any particular notice, but making what allowance you please on that account, I take the four years of cheap provision, and I find that on the average of those four years there were manufactured 279,000,000lbs. of cotton; that during the same period there was exported in goods and yarn 160,000,000lbs., and that there was reserved for home consumption in those years of cheap provision 119,000,000lbs. In the last four years, when the price of provisions was high, there was manufactured on the average, instead of 279,000,000lbs., 369,000,000lbs. There was exported, instead of 163,000,000lbs. 227,000,000lbs., and coming to the important question of home consumption, I find that while in the cheap year there was reserved for home consumption 119,000,000lbs. of cotton wool, during the last four years, being the dear years, the quantity so reserved was 142,000,000lbs. According to Mr. Greg, the quantity reserved for home consumption in 1833, was 116,000,000lbs.; in 1834, 108,500,000lbs.; in 1835, 121,100,000lbs.; and in 1836, 131,300,000lbs. The quantity reserved for home consumption during the last four years was, in 1838, 173,600,000lbs.; in 1839, 117,000,000lbs.; in 1840, 175,400,000lbs.; and in 1841, 103,500,000lbs.; making, as I said before, an annual home consumption of 142,000,000lbs., as compared to 119,000,000lbs. for the four preceding years. Mr. Greg says, that the internal consumption does not continue to bear the same proportion to the exports. But is that a fair test? Is it fair to argue by saying, "I will show you that the exports bear a greater proportion one year to the consumption than another?" I think not. I think the question should be, what is the amount of progressive increase? And I ask you, whether you don't find that, notwithstanding the increase of population, which accounts certainly, as it ought to do, for some increase in the home consumption—whether you don't find that the consumption of cotton goods, if you will take it upon the average of two, three, or four years, that the internal consumption has greatly exceeded the increase of population? The diminution during the last year, as compared with the previous year, does certainly fortify the argument that the increase in the price of provisions may have led to a diminished consumption. But you should always bear in mind that the consumption of the year before was extraordinary and unusually great, the quantity of cotton consumed by the home demand in 1840 being 175,000,000lbs. The years 1838 and 1840 were the two years of the greatest consumption of cotton goods ever known. In 1838 it was 173,000,000lbs., but it fell next year to 117,000,000lbs. In 1840 it rose again to 175,000,000lbs., and I doubt whether the natural effects of that sudden increase would not, under any circumstances be some considerable diminution in the following year. All I can say is, admitting as I do, and deeply deploring, the distress which at present exists in the country, on account above all, of the condition of the labouring classes, that although they may

treat me as they please—although they may burn me in effigy—yet all the manifestations of displeasure they can make, will not in the slightest degree abate my sympathy for their sufferings, or lessen my sincere desire to relieve them. It is on their account that I chiefly deplore the distresses which I admit to exist. It is because of their sufferings that I principally lament these disastrous occurrences. I know the manufacturers are entitled to some share of our sympathies. They have no doubt sustained great losses. It may not be easy to calculate their extent, but we may form some rough estimate of it. I will just refer to a document emanating from the Manchester chamber of commerce. What says the president of that chamber? Speaking of over speculation, he says, that he estimates the loss of capital arising from the undue excitements in trade, and from the rash speculations unfortunately entered on, at no less a sum than £40,000,000 sterling. Are we sure that we have survived the effects proceeding from that cause? Looking at the number of railway speculations, at the speculations in joint-stock banks, at the application of capital to every variety of speculative enterprise, can we be sure that this £40,000,000, asserted to have been sunk, is the ultimate extent of the national loss?

Mr. Cobden said, that the calculations made by the president of the chamber did not refer to losses by railway or joint-stock bank speculations alone, but comprehended every species of loss sustained in manufacturing enterprise.

Sir R. Peel—I quoted from the document itself, and I understood the application to be general, but the point is not of much importance. Sir, I now come to that part of the subject which is by far the most painful. I am called upon to speak of the distress existing in the country, and of the means to be taken for its relief. And here I am bound to state, that I still adhere to the opinion I have expressed, that in an artificial state of society—in a manufacturing country like England—you must expect that concurrently with a great demand for employment there may be extreme though partial suffering. An hon. gentleman who has spoken in the course of the present debate has referred to the condition of the hand-loom weavers. Now, let us take the condition of those artisans in 1836—let us consider their state at that period. 1836, it will be remembered, was a year of great prosperity. It was announced in the speech from the Throne, at the opening of the parliamentary session for that year, “That the state of the commerce and manufactures of the United Kingdom is highly satisfactory.”

The address in reply to the speech of that year was moved by Sir John Wrottesley and was seconded by the hon. gentleman the member for Sheffield (Mr Parker.) The former hon. baronet, in the course of his speech said, “Never was there a more prosperous moment in all the branches of trade. \* \* There is no speculation, but our prosperity arises from a steady and increasing demand, and orders from houses of undoubted credit, more numerous than even our extensive manufacturers can furnish. The labourers of England are fully employed, at adequate wages, and a bountiful Providence, during three successive years, has provided them with an ample supply of food.”

Mr. Parker said, “I turn to the state of trade, and certainly never were there such cheering prospects announced by any sovereign to any people. The business is sound, and not on speculation. Consignments follow and do not precede orders. Payments are made in cash beyond all former precedent, and activity is regulated by prudence.”

He then went on to give a statement showing the vast increase in our cotton exports, and said that he believed,—“That in two years steam power would be wanted in Lancashire to the amount of 70,000 horses, and 70,000 or 80,000 people to supply that power.”

That was in 1836. Now, my proposition is this—that concurrently with very considerable national prosperity there may be very severe partial distress. As I said before, I know not by what legislation we can meet that distress. Of course any absurd attempt to interfere with the direction of the industry of the nation would be ridiculous. I am not one of those who attribute to the increase of machinery any falling-off in demand. I believe that the greater the skill and the greater the improvements in machinery, we shall find upon the whole the more permanent and comprehensive results, and the greater demand for manual labour. Taking into account the number of persons employed in making that machinery,

taking into account the persons engaged about it, and those to whom it gives indirect occupation, I think it is impossible to arrive at any other conclusion. Consider the state of the labour of this country now and twenty years ago. Compare the demand for labour at the present time and the demand for it a quarter of a century back, and you will find that the total aggregate of labour employed is very much greater now than it was then. But that is no answer to my proposition that there may be partial suffering—a suffering involving innocent persons—a suffering which legislation can scarcely reach, and which it is impossible to impeach any particular system, by attributing it to its operation. Now, taking this year, 1836, what do we find to have been the condition of the handloom weavers at that time? The commissioners had stated, with regard to the condition of the weavers at that period, that the total number of the handloom weavers amounted to not less than 840,000—that a very great proportion of that number were unable to obtain a sufficiency of food of the plainest and cheapest description—that they were clothed in rags, and were in consequence prevented from attending divine worship, and unable to send their children to the parish schools—that few of them had any furniture in their houses—that many families, having no bedding, were obliged to sleep on straw; but yet that most of them had full occupation—that their labour was excessive—that they worked sometimes not less than sixteen hours a day, and that to support them under these fatigues, and to carry off the effects of their sorrows and distresses, they very generally had recourse to ardent spirits, in the purchase of which they expended a considerable proportion of their small earnings. Now, I would have the House remember that that distress occurred among a very numerous class at a period when corn was cheaper than it had been for many years previously; and bearing that circumstance in mind, I would ask whether I am advancing any thing very unreasonable when I express my belief that even when the price of corn may be very considerably reduced, yet that there may exist among a larger proportion of the population a very severe, though happily a partial distress? I say then, Sir, that I cannot indulge in the delusive hope—I cannot hold out to the public any thing like the confident expectation—that by any kind of legislation we shall be enabled to render the people of this country entirely exempt from occasional severe suffering. I do not know that there is any nation in the world which is exempt from such unhappy visitings. Take the case of the United States. Even in that country, where the demand for labour is so great, and where the wages of labour are generally so high, you will find that there is occasionally very severe distress. I turn to the account given by Mr. Buckingham, in his work upon America—a work which has been frequently quoted in the course of the debate. Mr. Buckingham has lately visited the United States, and he gives us the results of recent observation. He cannot be taken to be especially favourable to my view of the case, for he is, as is well known, a decided friend to the repeal of the Corn-law. Now, then, let us see what Mr. Buckingham says with regard to destitution in America. I recollect that in one passage of his work he says, that in the state of New York he was surprised to find many more cases of destitution and loss of life from starvation than he could possibly have expected to have met with. He alludes also in the strongest terms to the destitution in that state, and to its numerous charitable establishments. And therefore, Sir, I must still retain the opinion I expressed on a former evening, that I think the Corn-laws have been made to bear an undue share in the sufferings and the distress which have existed in this country; and that I am not so confident as some hon. gentlemen that an extensive modification or a repeal of those laws will produce the effects anticipated from them. My hon. friend has just found the passage in Mr. Buckingham's work, which I will now read, with the permission of the House. Mr. Buckingham says:—"The instances of death from destitution and want are much more numerous than I had thought possible. This indigence in a country where food can be raised so cheap, where labour is in such demand, and always paid so well, would seem unaccountable, but for the fact, that in the late mania for speculation the cultivators of the soil, instead of following up their agricultural pursuits, had left off farming to become speculators in stocks, buyers in railroads never begun, and canals never opened, as well as purchasers of lots of land on which towns were intended to be built, in which extravagant schemes they spent all their time and money, so that agriculture, the great basis of the national wealth, and the surest and steadiest

security of individual prosperity in these fertile states, was so neglected, that the country was obliged to import grain for its own consumption, instead of supplying, as it ought to do, from its own surplus, the older countries of Europe."

Thus, Mr. Buckingham, to account for the extent of destitution he found in the United States, a country abounding in food, where the demand for labour is exceedingly great, and which has fertile land in abundance, attributes it to a cause which, if the matter be well considered, I believe will appear to be the true one—namely, the too great diversion of capital from land, in order, that it might be employed in unprofitable speculations. Sir, I have been charged with denying, that any good was to result from the measure I propose. I hold no such opinion; I deprecate any extravagant expectations that great and immediate benefit will result from the plan. I deprecate the same expectations from any sudden and total repeal of the Corn-laws; but I distinctly said I expected these benefits to result from this plan—first, that agriculture would be exempted from the risk of having an enormous quantity of corn suddenly poured in at a low duty; and next, that the Bank of England, I thought also, would be less exposed to sudden drains of bullion, because the demand for corn, when it is required, will be gradual, and the intercourse with the countries which supply our demand will be more regular, and conducted in a manner more agreeable to the true principles of commerce, under my plan than upon the present system. To these advantages I distinctly laid claim; and therefore, it is not just to charge me with having predicted that my bill would do no good whatever. But I am told, that it will do no good, and particularly in reference to our trade with America. It is said, that on account of the distance of the United States from this country, while we keep up a sliding-scale, it is impossible for them to compete with continental Europe in the corn-trade to England. America is stated thus to be subjected to peculiar and great disadvantages, and one hon. gentleman has proposed to remedy the evil by taking the averages for twelve weeks. The same proposal has been made to me by the greatest Liverpool merchant trading with the United States. The statement he made was this:—"Let twelve weeks' averages determine the duty, instead of six weeks, and then I shall be enabled to bring corn from the United States with a knowledge of the first six weeks' average. I shall wait till I ascertain the average of the first six weeks; I shall then take my measures. There will be no material change in the next six weeks, and in the course of that period I shall bring corn from the United States." This was the representation he made to me; but here is a statement of actual import from the United States. An order was sent to the United States by the steamer from Liverpool for 1,000 barrels of flour on the 1st of August. It was put on board the ship *Siddons* on the 23d of August, and arrived in Liverpool on the 13th of September. This was an actual transaction; the order was sent by the steamer, and the cargo was brought in the ordinary way. An order was at the same time sent out to Stettin for wheat on the 25th of July; it was shipped on the 13th of August, and arrived in Liverpool not till the 24th of September. Now Hull, and the eastern ports have a great advantage over Liverpool in the importation of corn from Dantzic, but I very much doubt whether the import from New York would not be effected in less time than the import from Dantzic. This transaction, which could not be got up with a view to promoting the success of this bill, in which an order for 1,000 barrels of flour was given on the 1st of August, and the cargo arrived in Liverpool on the 13th of September, I regard as a conclusive proof of the statement of the gentleman who spoke to me, that it will be possible in six weeks to bring flour from the United States; and my firm belief is, that this will frequently take place. The order will be sent by the steamer, and no such long interval as has been spoken of will occur before the shipment of the goods. The cargo may probably be on board at the time of the arrival of the order, and in the short space of six weeks in all the transaction will be completed. The right hon. gentleman, the member for Edinburgh, whose absence surprises me, made a speech which was confined to an attack upon myself for some statements I had made on bringing in the bill. He commenced by stating that he represented a peculiar constituency, and that it was absolutely incumbent on him, as representing men who were swayed by no personal interest, and liberated from all prejudiced views, as being the concentrated essence of the intelligence of Edinburgh, to state his views on this question to the House of Commons. Why,

Sir, it is most unfortunate, that in this period of great difficulty, when no man denies, that he who attempts to make any adjustment of the Corn-laws has a difficult task to execute, the right hon. gentleman, although placed in the peculiar position of representing a constituency whose opinions are entitled to greater weight than others, should have quietly retired to his repose, when we are approaching a division, and refused us any reflection of that light he so concentrates. What aid has the right hon. gentleman given us to the settlement of this question? All he has yet done is to vote a negative; he voted with the noble lord, that he could not assent to my plan. The hon. member for Wolverhampton brings forward a counter-plan, that the Corn-laws should be at once repealed, and the right hon. gentleman has decamped from it altogether. He says that he cannot vote for an immediate repeal; he objects to the word "now," and yet he, the representative of this enlightened constituency, has not the manliness to say "No" to a proposition from which he dissents. The word "now" is an insuperable obstacle to him; but he says, "If I give a vote in conformity with my opinion, I shall be liable to misconstruction, and, therefore, the safer plan is to absent myself altogether." Why, what is speech given to us for but to relieve ourselves from misconstruction? And what could have been an easier task for the right hon. gentleman than to say, "This measure I consider to be precipitate, and therefore I am prepared to vote against it," accompanying this declaration of opinion with any explanation he might think necessary? But he relieves himself from any possibility of misconstruction, and leaves to others, I will not say the odium, but leaves to others the far more distinct and manly part of voting against a proposition which in their consciences they disapprove. The right hon. gentleman said, I maintained that cheap food was no advantage. I maintained no such thing, and he proved to a demonstration that I must be wrong by his supposition of a man with £40 a year, and then his question if to relieve this man from a supererogatory charge of £8 on account of provisions would not be an advantage to him. He proved that with a degree of irresistible force. Now, I beg to say, I maintain no such proposition. What I said was, that I thought it unwise and unjust to sow discontent and disaffection among the people of this country, by telling them, that there were other nations who had their provisions at a much lower price. I said I thought the relative amount of the cost of food was not the real test of enjoyment, but the command which the public of different countries had of the necessaries and luxuries of life. I did also say, but not abstractly, as the right hon. gentleman represented I did say, that I thought, by a sudden disturbance of the relations between landlord and tenant, you might produce cheapness of provisions; but I did not believe you would remedy the ills under which the country is labouring by adding fresh causes of disturbance of those relations, by bringing distress on the great body of the agriculturists. I maintain that opinion still. And it was with these qualifications that I said, I thought you were bound in attempting to introduce cheapness of food to guard the interests which had grown up under a system of protection, and under which so much capital had been applied to agriculture. I also made use of an argument, the force of which you deny, but which I maintain, that it is not wise that the substantial supply of this country in all seasons should be derived from foreign states. These were the qualifications with which I accompanied my opinion, that it could not follow from cheapness of food, that there must necessarily be relief from the evils under which we are now suffering. One word now, and one word only, on the nature of the motion on which I trust we are about to divide. It is an absolute declaration of opinion, that the Corn-laws ought to be instantly repealed. The hon. member for Wolverhampton, so deeply is he impressed with the policy of immediate repeal, has not moved that any prospective measures should be taken with a view to repeal. The resolution he submits to us for the vote is, that the Corn-laws be at once repealed. [Mr. M. Phillips, "hear."] The hon. gentleman opposite says, he can acquiesce in that motion; he thinks if they could be repealed to-night, they ought to be so. But those who think with the noble lord (Lord J. Russell), that agriculture has a claim for protection on account of the special burdens it sustains—those who agree with the noble lord that, even if these laws are unwise, there should not be a sudden and rapid disturbance of the interests which have grown up under them, cannot vote with the hon. gentleman. All those who agree with the noble lord, the late Secretary for foreign affairs, that there ought to be a fixed duty on the im-

port of foreign corn, but that it should be for the purposes of revenue—a doctrine not quite consistent with the flourishing peroration on the absolute advantage of man depending upon man—cannot vote with the hon. gentleman. The noble lord had come forward and stated distinctly that native agriculture, in his opinion, had no claim to protection, but that it was politic for mere revenue to lay a duty on the import of foreign corn; but I very much doubt whether an excise duty on corn would not answer his purpose better. He proposed a fixed duty of 8s. per quarter on the import of foreign corn; but would it not be better, with his views, to propose a duty of 4s. per quarter, to be equally applied to corn, the produce of our own soil, and that of foreign countries; and for this reason, because the produce of this country having no claim to protection, it clearly would carry out his views as to the advantage of man being dependent on man, if he imposed his duty equally upon all corn? Does the noble lord dispute that doctrine? It is utterly impossible for him to deny it. If a tax on corn be legitimate merely for the purpose of revenue, excluding altogether the idea of protection, depend upon it it is equally legitimate to tax domestic and foreign corn; and it would be more in correspondence with the noble lord's own argument to equalise the duty rather than lay it on foreign corn exclusively. Those who concur with the noble lord in that opinion, cannot vote with the hon. gentleman. All those again, who dread the consequences of disturbing the relations of Ireland to this country, in respect of agriculture, who think there might be some risk, who are alarmed now at my reduction in the duty on oats—all those who dread the consequences to Ireland of a sudden, unlimited, and immediate importation of foreign oats into this country—even those who hesitate on this subject, cannot vote with the hon. gentleman. Those again who think there should be any interval of time between the present and the total abrogation of duty, cannot vote with the hon. gentleman. The hon. gentleman has given a vague intimation that he might possibly consent to something, if he were certain of carrying his motion; but as the motion stands, the question on which we must vote is this—that the Corn-laws shall be at once repealed. Those who are unwilling to incur that risk cannot vote with the hon. gentleman. It is needless for me to say, that with my views on this subject, it is impossible for me to assent to the proposition of the hon. gentleman. Looking to the proposal I have made, and having heard the speech of the hon. and learned member for Liskeard (Mr. C. Buller), who told us that he thought vested interests ought to be cautiously dealt with—that he thought we ought not to excite undue apprehensions and alarm on the part of the agricultural interest; that he thought the consequences might be, even if those alarms were unfounded, of the most injurious character to the best interests of the country, by leading to the diminished production of wheat—when I look at the proposal I have made, and the consequences of the course the hon. and learned gentleman describes, I cannot imagine why he can refuse to vote with me against the hon. member for Wolverhampton. This I know, although of all gentlemen who have spoken on that (the opposition) side of the House, the hon. and learned gentleman wishes to lead the way to ultimate repeal. [Mr. Buller.—No.] Well, at least to a material diminution of the duty; yet he spoke with so much just, wise caution, and circumspection as to the necessity of not exciting alarm and apprehension in the agricultural body (to which I, perhaps, am particularly sensitive), that I think if I could impress him with the extent of excitement of which I have received accounts, arising even from the modified proposition I have submitted, the hon. and learned gentleman would see I have advanced as far as I can, without inflicting that injury upon existing interests which he so earnestly deprecates; and therefore, upon mature reflection, I hope he will vote with me against the proposition of his hon. friend, the member for Wolverhampton. When I recollect what were the views of Mr. Ricardo—no particular friend to the agricultural interest—who thought that the present system of Corn-laws were altogether defective—who thought you ought to pave the way for a better system, but who yet thought it of the utmost importance to deal tenderly with land, and proposed that a fixed duty of 20s. should be imposed on foreign corn for the first year, and gradually diminishing each year by 1s., until it reached 10s., where it was to remain stationary. [An hon. member.—That was fifteen years ago.] Well, but the landed interest requires pretty nearly the same protection now as then. When I compare the scale I have proposed with that laid down by Mr.

Ricardo—so steady a friend to free trade and the principles of liberal policy—when I compare my scale with that proposed by Mr. Whitmore in 1825, it is impossible to deny that, as compared with these scales, my plan is a material relaxation. Let me now, in conclusion, express an earnest hope, that if the decision of the House shall be taken by a decisive majority against the proposition of the hon. member for Wolverhampton—coupling such decision with that given against the motion of the noble lord the member for London, and in favour of my plan—bearing in mind that as the commercial and manufacturing interests of this country are in a state of depression, nothing can tend so much to aggravate the distress as any sudden or violent change in the Corn-laws, in ignorance, too, of the other proposals which the Government have to make—I trust the proposition of the hon. member for Wolverhampton having been negatived, the House, in deference to public feeling, and in compliance with the public wishes, will proceed with as much expedition as possible, consistently with due deliberation, to pass this bill, not in aggravation of the duty, but as a material remission and relaxation of duty into the law of the land.

The House again adjourned, and on the following night divided on Mr. Villiers's motion, "That all duties payable on the importation of corn, grain, meat, or flour, do now cease and determine."—Ayes, 90; Noes, 393; majority against the motion, 303.

### CORN LAWS—FIRST READING.

MARCH 4, 1842.

Lord John Russell stated that he understood there were places in some particular counties where there was a regular corn trade excluded, and some, where little corn was sold, left in the list; he wished to know whether at any time there would be a statement of the reasons for deciding on the particular towns which had been selected.

SIR ROBERT PEEL: Let me bring up the bill, and I will answer the question. The bill was brought in and read a first time, and on the motion for fixing the second reading—

Sir R. Peel said, he would take that opportunity of answering the question which the noble lord had just put. This bill had been drawn up in conformity with the resolutions which had passed through committee, and assented to by the House. It had been drawn up in general conformity with the explanation which he had made on the part of her Majesty's government on moving for leave to bring it in. There were one or two points which it might be convenient now to state with respect to it. In the first place, with respect to the present inspectors, he had received a great many communications, representing the hardship of immediately removing them, and that removal would give ground for claims for compensation, which he was certainly very anxious to avoid, when it could be done consistently with the due performance of the public service. The arrangement which he proposed to make with respect to inspectors was this—in all new towns to place the averages under the Excise-officers, acting under the authority of the Board of Excise. In existing towns to continue in office those inspectors who might be perfectly efficient for the performance of their duties, and to place them under the control of the Board of Excise. Power was to be given to the Treasury, acting in concurrence with the Board of Trade, if they deemed it advisable, to grant superannuation allowances to inspectors removed from office, where, from length of service and good conduct, they might be entitled to retiring allowance. The whole duty would be performed by the Excise without expense, or at a very small additional expense to that attending their other functions. There would, therefore, be a saving of the chief part of the present expense of taking the averages. With regard to the period at which he proposed, that his bill should come into operation—a point on which a question was put to him the other night—as the bill was, in every instance, a relaxation or remission of existing duties, it appeared to him desirable (and he trusted all would concur in this) that when the bill received the assent of the legislature it should come into operation as speedily as possible. Its practical operation might be postponed until the new system of averages could be applied to the regulation of the duties, or the new duties



might be regulated for a short period by the present system of averages. He thought upon the whole, that it was for the public interest that the bill should come into operation as soon as possible, and therefore he did not propose that it should wait for the new system of averages. The bill, therefore, upon passing into a law, would come immediately into effect. The new duties would be regulated by the old averages at first, and, at the termination of the first six weeks, the new averages would take effect. With respect to the noble lord's question, the reversion in the list of towns which had been promised had taken place. He had stated from the first, that in extending the area from which the returns were collected, his object was to have more accurate means of judging of the quantity of corn sold, and of the price of that corn, and also to take additional precaution against fraudulent combinations for the purpose of affecting the averages. He had uniformly stated, at the same time, that in adding to the list of towns, he had no design to affect indirectly the amount of protection to domestic produce. He did not wish to diminish the average price, or raise the duty by increasing the number of towns. The noble lord asked on what principle the towns had been selected. It was exceedingly difficult to act on any very satisfactory principles in the selection. It was not very easy in towns in which there were no inspectors to ascertain their relative importance, or the quantity of corn sold. It was evidently very difficult to determine the importance of the markets in towns so circumstanced. But in the revision of the list of towns, they had acted on this principle, which appeared to him a fair one. At present, there were 150, or perhaps 151 towns, in which averages were collected by means of inspectors, and of these a certain number were in the midst of agricultural districts, and a certain number were chiefly of a manufacturing and commercial character. They took first the manufacturing and commercial towns which were not now included in the list, and added them to the existing number. They then made a selection of towns in agricultural districts, and attempted to maintain the same ratio between them and the manufacturing towns added, which existed between the agricultural and manufacturing towns of the existing list. That was the principle on which they attempted to proceed. The noble lord would have an opportunity of seeing the list, and of course of showing omissions in it if there should be any. Some gentlemen might have local information, which he (Sir R. Peel) had not the means of procuring. There might be errors in the list of towns, and some which were omitted might be of greater importance than some which were selected. He could only say, that he had taken all the means in his power to collect the most important towns, and if any one could point out an error, it would be a subject for discussion when the bill was in committee. It was his wish—subject of course to the pleasure of the House—that as the sense of the House had been marked with respect to the resolutions, the measure should be framed as rapidly as it could, consistently with that degree of deliberation which the House might think fit to give to its details. He would, therefore, propose to fix the second reading for Monday next. If it should be desired again to debate the measure upon the principle, and if other business should prevent there being time for considering it—of course, he would not bring it forward at an hour unsuitable for that discussion. If the sense of the House was in favour of the bill, as an improvement of the existing law, he would do all in his power to bring it into speedy operation—not pressing it on unduly against the wish of those who might be inclined to take part in the discussion of it. He believed the bill would be printed to-morrow. He should fix Monday for the second reading, with the understanding that, if the business of supply should occupy the attention of the House until a late period on that evening, the second reading should be fixed for a future day.

Bill to be read a second time on Monday. It was ultimately fixed for Wednesday.

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## FINANCIAL STATEMENT.

MARCH 4, 1842.

SIR ROBERT PEEL, in answer to the question put to him by the noble lord (Lord John Russell,) wished to state that his motive for naming Monday for the second

reading of the Corn-law bill was solely in reference to the public interest and the general convenience. He wished it should be known that what he was about to say, in answer to the noble lord, was as to the course that he was desirous to pursue, and then he must depend entirely on what might be the pleasure of the House. He received daily communications which urged upon him the advantage of taking the earliest opportunity of stating what were the views of her Majesty's government with respect to financial matters, and the commercial affairs of this country. He felt that there was much justice and force in these representations, and therefore it was, that he had given notice for voting the estimates that night for the navy and army in a committee of supply. Wednesday being the 23rd of March, they were to recollect that the following Friday was a day on which they could not meet. On the 24th, Thursday, there would then be a necessary interruption to their attention to parliamentary business. He proposed, then, that the estimates for the army and navy should make such progress in committee of supply as would justify him in explaining the intentions of her Majesty's government, both as to their financial and commercial affairs. Under all the circumstances in which they were placed, he was most anxious not to postpone his statement beyond that day week. Because, if he did, there might be a difficulty in the House coming to a definite judgment, with regard to his statement, before its separation. With reference to himself, he had no personal convenience to consult; but seeing the interruption that necessarily took place in commercial transactions, and that it must continue until all doubts were solved with respect to the intentions of government, he should be most anxious for the public convenience, and the public convenience alone, to make his statement that day week. He should not insist that the whole of the army and navy estimates should be voted before he made his statement. We wished to avail himself of no pretext for postponing it; but he thought it was of great importance that the House should pronounce an opinion on the main branches of the naval and military service, and whether the general views of the country coincided with what the government deemed to be the necessary demand to be made upon it. It was of importance that the House should declare its opinion as the amount of force to be kept up both in the navy and army. When the House had determined what they considered would be necessary for the maintenance of the navy, the number of its seamen, and for the upholding the military force—when votes for these purposes were reported, he should feel himself justified in proposing that the House resolve itself into a committee of Ways and Means, and on the foundation of the votes then passed, explain the views and intentions of her Majesty's government. As he had said before, it was his own impression that the public convenience should be consulted by adopting the plan that he proposed. He earnestly hoped, then, that the House would affirm the proposal of the government with regard to the amount of force necessary for the purposes of the country, and that he thus might be in a condition on Friday next of explaining the views of the government, both as to their finances and commerce. If it were intended, however, to take a discussion on the principle of the bill, he could hardly hope the matter would be disposed of on Monday. It was, however, he deemed, better for him not to relinquish the hope of disposing of it on Monday, but if he were not able to bring on the bill early on Monday, and he would not propose it unless he could do so at an early hour, then he should name Wednesday next for the second reading. He did not mean, he repeated it, to propose the second reading on Monday, unless he could bring it forward at such an early hour that it could be fully discussed.

The subject then dropped.

## CORN LAWS—SECOND READING.

MARCH 9, 1842.

In the debate on the second reading of this bill—

SIR ROBERT PEEL said—Sir, I must in the first place, offer my acknowledgments to the noble lord (Lord J. Russell), for the liberal offer which he has been good enough to make to me of the 8s. duty. The noble lord says I should be perfectly welcome to take possession of the 8s. duty, and propose it as the measure of government, and that he thinks my friends and supporters would be compelled to sanction

that measure or any other which I may propose, and that I should hear no taunt from him if I adopted that measure. Now, I do not adopt the measure of the noble lord, because I disapprove of it; I disapproved of it when in opposition, and stated the grounds on which I was led to form that opinion. The noble lord, it appears from what he said to-night, was aware, during last session, that I should probably propose some alteration in the Corn-laws. He cannot, therefore, taunt me with any inconsistency in bringing forward a measure for the amendment of the Corn-laws. The noble lord, wishing to secure two members for Lincolnshire, intimated his opinion to the constituency that they had better support Mr. Handley and the noble lord the present member for that county, as they might be quite sure that the noble lord and the hon. gentleman would give their cordial support to the existing system of Corn-laws, whereas it was perfectly clear that I intended to propose an alteration, and that those who would succeed the noble lord and the hon. gentleman would probably support such a scheme. The noble lord, therefore, must have been prepared for such a measure as the one I now propose. If I were to propose an 8s. duty, I could not defend it on the principles of the noble lord. He tells us that he does not wish that corn should be at a higher price than is consistent with justice to the agricultural interest. It is incumbent on him, therefore, to tell us what justice to the agriculturist is. I apprehend that he will labour under the same difficulty as he thinks I do. I am not exactly aware of the distinction in principle here between the noble lord and myself. I have been excessively blamed for intimating an opinion that corn might probably be hereafter at a price from 54s. to 58s., and the noble lord distinctly says to-night—that is the consolation he gives the agriculturists—that with an 8s. duty he does not apprehend there will be any material difference in the price. Why, if the noble lord means the present price of corn, I cannot agree with him. My opinion is, that under my law, the price of corn, taking the average of the last four years, at 62s. to 64s., will be less than in those years. If you adopt the scale of duties which I propose, I must own I think there will be a reduction in the price of corn from any such general averages as 62s. or 64s. I should not have thought it necessary to refer to the speech made on bringing forward the bill, and should have submitted to all the misconstructions and misrepresentations of what I said, if the noble lord had not again repeated them. I have been told that I said on that occasion that I did not contemplate that any relief whatever would be afforded by it to the commercial distress, and therefore half the gentlemen who have spoken on the other side have said to my hon. friends, “Why do you support this measure, from which the author of it himself declares there will be no mitigation of the existing commercial distress?” I beg to refer now to what I did say on that subject. Here is a report of what I said, which I did not correct in any way. I am always surprised at the general fidelity with which the reports of what passes here are given, and I take it as being an ordinary report, uncorrected by myself. I found, on bringing forward the scheme, a general attempt to create excitement and agitation throughout the country, by declaring that the whole of the existing commercial distress might be attributed to the Corn-laws. I found that many persons were suffering great privations, and I found strenuous and combined efforts made to inflame their passions by representing the Corn-laws as the cause of the manufacturing distress, and the great agricultural interest of this country as solely actuated in their maintenance of the Corn-laws by pecuniary and corrupt motives. The language I made use of with reference to this point was as follows:—“I feel bound to declare, that I cannot attribute the distress, to the extent in which it was by some supposed imputable, to the operation of the Corn-laws. I do not view with those feelings of despondency with which some are inclined to regard them, the commercial prospects of this country.”

Those were the words I made use of, and the noble lord, the member for Sunderland, to whose speech I listened with the greatest attention, and I may add also, from the moderation of its tone, as well as from its ability, with great satisfaction, states, that in that respect, he takes a view not materially different from mine. I do think I should be practising a delusion if I said, that the alteration of the Corn-laws would produce material and immediate mitigation of the commercial distress. That was the qualified way in which I stated this opinion. I added, that “While I admit the existence of commercial distress, while I deplore the sufferings which it

has occasioned, and sympathise with those who have unfortunately been exposed to privations, I feel it my duty, in the first place, to declare that, after having given to this subject the fullest consideration in my power, I cannot recommend the proposal which I have to make by exciting a hope, that it will tend materially and immediately to the mitigation of that commercial distress."

That was the language I adopted, and I do believe that the effect of the Corn-laws has been greatly exaggerated. I said, I thought there were other causes which had done much more to produce distress; and I declared, that I did not despond, nor did I believe that the resources of the country were exhausted, and our manufacturing prosperity ruined. I said, I thought there were other causes in operation which would account, not altogether, but in a material degree, for the present distress. This is one of the misrepresentations to which, in the course of ten nights' debate, I have been constantly subjected. I have been subjected to the imputation of having brought forward this measure, without the slightest hope that it would contribute in the least to restore commercial prosperity. It has been said, that I declared that the object of the law was to fix the price of corn at 54s. or 56s., or at least to ensure its never verging more than from 54s. to 58s. I beg again to refer to what I really did say:—"Nothing can be more difficult, than to attempt to determine the amount of protection required for the home producer. I am almost afraid even to mention the term 'remunerating price,' because I know how necessarily vague must be the idea which is attached to it. The price requisite in order to remunerate the home grower must necessarily vary; a thousand circumstances must be taken into account before you can determine whether a certain price will be a sufficient remuneration or not; and the same difficulty occurs when we attempt to determine on adjusting the scale of duties. . . I cannot say, on the other hand, that I am able to see any great or permanent advantage to be derived from the diminution of the price of corn beyond the lowest amount I have named, if I look at the subject in connection with the general position of the country, the existing relations of landlord and tenant, the burdens upon land, and the habits of the country. When I name this sum, however, I must beg altogether to disclaim mentioning it as a pivot or remunerating price, or any inference that the legislature can guarantee the continuance of that price; for I know it to be impossible to effect any such object by a legislative enactment. It is utterly beyond your power, and a mere delusion to say that, by any duty, fixed or otherwise, you can guarantee a certain price to the producer. It is beyond the reach of the legislature."

I said, that all you could do was, to determine the price at which you would permit competition with the foreign grower, but you could not guarantee the producer a fixed price, or answer for its maintenance at between 54s. and 58s. For this report, as I said before, I am not in the slightest degree responsible; but, as far as my recollection serves me, it is exactly in correspondence with what I did say. The noble lord selected a particular instance with respect to imports from the United States. I certainly did mention a particular instance in which an import had taken place from the United States in a very short period. An hon. and gallant officer opposite (Sir C. Napier) said, I ought not to rely on that case as an indication of the length of voyage under all circumstance, and desired that there might be produced an account of the length of the voyage by ships importing corn from the United States. I have it now before me, with respect to New York, the chief port from which corn is brought into England, giving the length of voyage of all ships from New York to Liverpool in 1841. The number of ships was thirty, and the average duration of the voyage was twenty-three days; and that being the case, if you do permit, by an alteration of the law, a more regular trade in corn than you have had under the existing law, it does appear to me clear from this paper, that the United States are not, in comparison with Dantzic and other ports in the Baltic, placed at such disadvantage with respect to the import of corn into this country as some people have imagined. Having already had frequent occasion to address the House upon the subject, I have always wished, as far as possible, to confine my observations to the particular subject immediately under discussion. I thought we had already discussed the merits of the fixed duty, and also of the sliding-scale. But the noble lord has revived both. And yet he is not now at liberty to propose the scheme of a fixed duty. This advocate for great principles will negative my bill. He who talks

so much of conciliating political support, dare not maintain his own principle and resolution in order that he may collect a few stray votes from those around him. If the noble lord had been consistent, and had wished to enlighten us, he ought distinctly to have explained what he means by justice to agriculture. On what principle was his 8*s.* duty to be maintained? He admits the 8*s.* duty would not diminish the price of corn; if that be so, and if the manufacturer be of opinion that the high price of corn is the cause, of all others, favourable to foreign competition, how does the noble lord think that the 8*s.* duty would be a settlement of the corn question? This is the case of the free traders, the constant and decided advocates of a repeal of the Corn-laws. They say that a bread tax is odious and unjust, they say that the existence of a tax upon corn subjects you to an unfair and discouraging competition with foreigners, but the noble lord tells them, "Take the 8*s.* fixed duty on corn," although he does not think the result will be any diminution of the cost of corn in this country—he does not expect prices will be reduced. How, then, can he expect that his project would be a permanent settlement of the question? and how can he expect to unite in permanent union with him those whose support he could conciliate only when he ventured to move a negative? Why, the first moment he brought forward any distinct substantive proposition, as has been my duty, his present supporters would at once abandon the noble lord. The noble viscount, the member for Sunderland, who spoke early in the debate, not only admitted that this was a substantial and material improvement of the existing law—he not only admitted with the hon. and learned member for Liskeard, that it would have this advantage, that it would occasion an increase of revenue; but he also drew a favourable contrast between the proceeding of the present and the late government with respect to the manner in which they brought forward this question. Having determined on an alteration in the Corn-laws, we placed the announcement of it in the Queen's speech, and on the earliest day on which it was possible to discuss the question, we brought it forward, on the authority and responsibility of the government. The noble lord, on the contrary, maintained an entire silence on the subject in her Majesty's speech, and intimated to the House his intentions with reference to the Corn-laws only at an advanced period of the session. As a question affecting great and complicated interests, and in respect to which the minds of men were much divided, I had to deal with the Corn-laws; and I felt this, that if the question was to be touched, it was desirable to bring it to a practical conclusion. I did not want to bring forward a measure enunciating some general principles, and after spending the session in discussion, find myself in August practically where I was in January previous. I wished to propose a measure which there would be a prospect of passing into a law—not giving universal satisfaction, for that I despaired of—but having the concurrence of the well-thinking, rational, intelligent portions of the community. Yes, and I have had it. And what makes your debates so flat and dull? What, but that the country has decided in favour of my measure? I am not speaking of the Anti-Corn-law league; it is quite impossible that they should so soon forget their vocation as to permit their acquiescence in this law. I am not speaking of the agricultural community, but I do believe that among the trading, manufacturing, commercial classes, there is a strong conviction that the measure I have proposed, looking at the existing state of the country, is a fair and just arrangement. Yes, and if it were otherwise, I should find the debates in this House carried on with much more spirit and vigour. Well, now, this is the second reading of the bill; and the proposal of the noble lord is, that it be rejected. But the decision to-night will be no indication whatever of the opinion on the subject of the Corn-laws, because it will be my misfortune to find myself opposed by those who, with the noble lord (J. Russell), were in favour of a fixed duty. And, by the by, when the noble lord offered me the fixed duty scheme, I should like to know whether he meant the fixed duty of the last session or that of the present. Allow me to tell the noble lord, when he says I scare my agricultural friends by threatening them with the ghost of the late government in Palace-yard, that if that ghost were an indication that the late government were really defunct, the apparition would not be an unwelcome one. [Cheers.] I am sorry the right hon. gentleman opposite does not understand me. But will the noble lord tell me, when he makes the offer of the fixed duty, whether he is bequeathing to me one of those legacies which the late government on their death-bed left to an

admiring country—the 8s. fixed duty, which was to be maintained by a resolute government, whatever the price of corn might be, in order to ensure permanence in the commercial arrangements of the country, or that modification of a fixed duty which, to the surprise of the noble lord, he proposed in the course of this session—which adopted the averages, for they were necessary to the system, and provided that when corn should arrive at 73s. there should be a sudden drop in the scale from 8s. to a nominal duty? I shall be opposed by those advocates of a fixed duty on corn who think there should be a fixed duty as countervailing the burdens on land; and by those other advocates of a fixed duty who agree with the noble lord, the member for Tiverton, that a tax should be imposed on foreign corn imported into this country, not by way of protection, but specially for the purposes of revenue. I shall also be opposed by the advocates of the 5s. duty. I shall be opposed, I fear, by those gentlemen who are opposed to any duty whatever. I am afraid I shall be opposed by some, I trust a very few, who, differing totally from the great body of my opponents, think my proposal endangers the prosperity of agriculture. [Lord Worsley: “Hear.”] The noble lord is one of them. Then I am afraid I shall also be opposed by some gentlemen from the sister kingdom—the loudest advocates for free trade, who, when the proposal was in the distance, or brought forward by a government who could not carry it, gave their political support to an administration which was the very ghost of free trade in Palace-yard. Now, I earnestly ask those hon. gentlemen well to consider what would be the consequence of rejecting this measure: 3s. 4d. on oats is the highest duty which the noble lord gives them; and any protection so inadequate, so pregnant with danger as they say it is to the interests of the agriculturists, being at any rate a higher protection than that which the noble lord offers, will, I should think, be preferable in their eyes. My hon. friend the member for Wallingford expressed his astonishment that I should propose so sweeping a measure as this; he differs from me, and thinks it will cause the introduction of a great quantity of foreign corn. I shall therefore, I fear, encounter his opposition, on the ground that the measure is injurious to the agricultural interests. But I ask those hon. gentlemen to consider, if they reject this measure, what prospect of success there would be of carrying any other measure? I do not agree with the noble lord that success is indifferent. I think hon. gentlemen ought to feel that confidence in the strength of their own arguments as to consider it a misfortune for them to be rejected; but I must say, that I do not think there would be any advantage from an increased protection upon oats in Ireland, or wheat in England. They may not think I go far enough; but, upon the whole, considering the present state of parties, and of the public mind, it is not probable that any law will be proposed which will be more generally satisfactory, or which, at any rate, will give increased protection; and if they come to that conclusion, and find among the most intelligent of the agriculturists who wish, perhaps, for increased protection, yet at least, admit that there are considerable difficulties in the subject—an opinion that this is a better measure than they anticipated—I trust that this feeling, which I believe to predominate among the most intelligent agriculturists of this country, will have its due influence in this House, and that my hon. friends, if they will not agree with me in all its details, will feel themselves enabled to give me their support. The noble lord has ridiculed the prejudices and fears of the agriculturists. Now, the noble lord should be sparing upon that point. He has a perfect right, and I do not complain of it—on the contrary, I think it manly and courageous—to change opinions when upon more extended views you believe them to be wrong; but he ought to have had mercy on the farmers who entertained fears respecting agriculture; for, if ever there were a public man who wrote in a manner to excite those fears, and confirm the prejudices of the agriculturists, that man was the noble lord. There sit the noble lord the member for London and the hon. member the late vice-president of the board of trade (Mr. Sheil); and if ever any men did any thing to excite apprehension, the one for Irish oats, the other for English wheat, they were the noble lord and the right hon. gentleman. The noble lord was all for English wheat; the right hon. gentleman was all for Irish oats; but their agricultural partialities have in some degree vanished. Surely I might say,—

“Tuque prior tu parces,”

in respect to those unfortunate farmers whose apprehensions you have done as much

as any man to excite. But what, I again ask, will be the consequence of rejecting this measure? In proposing it I offer a great mitigation of the evils complained of in the present system. Reject it, and what other arrangement can be made? Is the noble lord strong enough to carry his 8s. duty? Is any other party strong enough to maintain the existing system, or to give a Corn-law more favourable to the agriculturists? The only alternative is, leaving this question the subject of prolonged agitation and discussion, interrupting all commercial intercourse, disturbing the relations between landlord and tenant, and making it impossible for any man to know upon what terms he holds his land. I believe that as large a portion of the community as any man could anticipate, when a change in the Corn-laws was proposed, have decided that this is a just protection, and I believe that they are anxious for the passing of the bill. I cannot anticipate the support of those who are in favour of repeal or a fixed duty; but I earnestly hope that the great body of those hon. gentlemen who have for many years given me their confidence, and such marked proofs of it in the present session, will feel it their duty upon this occasion, and upon every other future discussion upon this subject, to support the bill which I have had the honour of submitting to the House.

The bill was read a second time, and the House adjourned.

## FINANCIAL STATEMENT—WAYS AND MEANS.

MARCH 11, 1842.

Sir G. Clerk moved the Order of the Day for the House to go into committee of Ways and Means, and the Speaker having left the Chair,

SIR ROBERT PEEL rose and spoke as follows:—Sir, as the House has now sanctioned the vote that her Majesty's government considered it their duty to propose for the maintenance of the chief military establishments of the country, I rise to redeem the pledge I gave some time back, that I would avail myself of the earliest opportunity, consistent with parliamentary usage and the public interest, to develop the views of the government with reference to the financial and commercial policy of the country. No one can feel more than I do the importance and the extent of the duty that devolves on me. No one can be more conscious than I am how disproportionate are my intellectual powers to the proper performance of my task; but, Sir, I should be unworthy of the trust committed to me—I should be unfit to stand here in my place as the minister of the British Crown—if I could feel disheartened or discouraged—if I could entertain any thing but composure and contentedness of mind—any thing, I may say, but that buoyancy and alacrity of spirit which ought to sustain every public man when entering upon the discharge of a great public duty; conscious that he is actuated by no motives that are not honourable and just, and feeling a deep and an intimate conviction, that according to the best conclusion of his imperfect and fallible judgment, that which he intends to propose will be conducive to the welfare, I may say, essential to the prosperity, of the country. Sir, from some of the embarrassments which often accompany a financial statement of this kind, I am free. It is sometimes necessary, on such occasions, to maintain great reserve, and to speak with great caution. A due regard for the public interest may impose on a minister the duty of only partially disclosing matters of importance. But I am hampered by no fetters of official duty. I mean to lay before you the truth—the unexaggerated truth, but to conceal nothing. I do this first, because in great financial difficulties the first step towards improvement is to look those difficulties boldly in the face. This is true of individuals—it is true also of nations. There can be no hope of improvement or of recovery, if you consent to conceal from yourselves the real difficulties with which you have to contend. I have another motive also, for making a full and unreserved disclosure. It is my intention, on the part of the government, to undertake the responsibility of proposing that which we believe essential to the public interests. With you will rest the responsibility of adopting or rejecting the measures which I propose, and it is therefore fitting, in order that you may be enabled properly to perform the duty which you owe to the country, that you should have before you every information—every

element which is necessary for the formation of a full and impartial judgment. Sir, I have but two requests to offer to the House before I enter on my statement. The first is, that they will bear in mind that, from the period when I bring forward my financial statement, I am labouring under some special disadvantages. I speak particularly with reference to the estimates which I may form of the probable revenue of the country. I have considered it to be my duty, not to wait until the supplies have been voted—until the financial accounts of the year have been closed. If, hereafter, in my estimates, formed as they shall be with every desire that they should be just and accurate, I should have been found to have been mistaken, I trust the House will bear in mind that I am labouring under disadvantages to which others have not been exposed. Another request which I shall make is, that the House will have the goodness to postpone its judgment until I shall have laid before it the whole plan of the government—that they will not judge hastily on a partial development of my views—that they will not hastily pronounce that what I may propose is an insult to the country—or, if I affect any particular interest, that I shall not therefore be given out as proposing something that is perfectly unreasonable and unjust. I earnestly hope that every man, bringing to the consideration of this subject a full sense of our real, but not insuperable difficulties, will postpone his judgment until he has before him the whole of the plan which I shall propose. I shall now proceed, Sir, in the ordinary manner to state the facts with reference to the finances and expenditure of the country; and, in the first instance, I have to refer to the estimate which was formed by the right hon. gentleman, the late Chancellor of the Exchequer (Mr. F. T. Baring), with respect to the probable revenue and expenditure of the country in the year ending the 5th of April, 1842. Sir, events have proved that that right hon. gentleman's estimate was as nearly correct as it is possible for an estimate to be. I think the right hon. gentleman calculated that the income of the country might be expected to realise the sum of £48,310,000. He calculated the expenditure for the same period, that is, for the year ending April 5, 1842, at £50,731,000. There were some slight variations afterwards made in the votes, which, of course, the right hon. gentleman could not foresee at the time when he was speaking. There was a supplementary vote taken for, I think, the Ordnance estimates, in the first session of the present parliament. I think there was also a vote omitted, that, namely, for the Caledonian canal; but the amount of the difference made by these changes was so small, as to be hardly worth referring to. Of course, it is impossible to say, at this moment, whether the right hon. gentleman's estimate is perfectly correct or not, because a portion of one quarter of the year is not yet closed. The actual produce of the revenue from April 5, 1841, to February 26, 1842, was £43,730,000. If you estimate that the receipts for the current quarter of the present year will be equal to the receipts of the current quarter of last year, you must add to the actual receipt the sum of £4,323,000. Consequently, the revenue will amount on the 5th of April, to £48,053,000, being less than the amount estimated by the right hon. gentleman by 160,000. On the other hand, the actual expenditure was not quite so great as that which he estimated, or rather will probably not be so great, and consequently his estimate, which took the expected deficit at £2,421,000, will probably, on the whole, I think, exceed the actual amount of the deficit. The actual amount of the deficit for a year will, I think, be £2,334,000, speaking, as I said before, from estimate only with respect to the last quarter, but giving the best estimate I can form of the probable amount of the deficiency for the present year. The deficiency, therefore, for the current year we may assume to be about £2,350,000. I now proceed to estimate the income for this year, which will end on the 5th of April, 1843. I take the Customs for the ensuing year at £22,500,000. The Excise, on account of the unfavourable season for malting, I am afraid we cannot take at a higher sum than £13,450,000. Supposing there is a favourable harvest, that will have a tendency to increase the Excise revenue, but it has also a tendency to diminish the amount of the revenue you derive from the importation of foreign corn. With an unfavourable harvest, if your Excise is diminished in amount, then there will be some compensation to be expected from the import duty on foreign corn. I will take the Customs, then, for the year ending April 5, 1843, at £22,500,000; the Excise at £13,450,000; the Stamps at £7,100,000; from the Taxes I expect to obtain £4,400,000; the Post-office, I



think, may probably yield £500,000; the produce of the Crown lands I take at £150,000, and the other miscellaneous items of revenue at £250,000, making a total of estimated revenue for the year ending the 5th of April, 1843, of £48,350,000. The expenditure, now that the House has sanctioned the votes for the army and navy, can be estimated with greater accuracy. The interest on the debt will be £24,627,000, terminable annuities, £4,076,000; the interest on Exchequer-bills, £722,000, making the whole charge on account of debt, £29,427,000. The other charges on the consolidated fund I will take, including the civil list £390,000, at £2,368,000. The field I have to travel over is so extensive, that perhaps it will be better that I should omit mentioning the various items. The total charges on the consolidated fund, therefore, will be £31,795,000. The vote for the army, if ultimately sanctioned by the House, will be £6,617,000; that for the navy will be £6,739,000; that for the Ordnance, £2,084,000; the miscellaneous charges on the annual grants by parliament will be £2,800,000; the vote on account of Canada, which is to be expended on the clothing of the volunteers, will be £108,000. I think it was understood that, when that charge should cease, a corresponding sum should be expended on fortifications. I therefore take it at £108,000. I will take the charge for the expedition to China, upon the whole, at £675,000 for the present year. That vote consists of two parts, which I will state to the House. £175,000 will be required to defray the arrears of expenditure for the current year, and a sum of £500,000 to meet the charge which it will be necessary to provide for by actual vote during the year ending April 5, 1843. The total amount, therefore, of the estimated expenditure of the country will be £50,819,000. The general result then is, that the expenditure for the year ending April 5, 1843, will be £50,819,000, and the estimated income will be £48,350,000, making a probable deficiency of £2,469,000. But that deficiency is upon the votes of the year—upon the expenditure which it will be necessary to provide within the year. To that deficiency ought to be added the actual charge which may be incurred on account of the hostilities carried on with China. I do not contemplate that it will be necessary to provide within the year more than £500,000, but he would form a very inadequate estimate of the probable cost of that expedition, who should think that the total expense will be limited to that sum of £500,000. Sir, the expense of our expedition to China stands thus:—The arrears of the sums that were due to the East India Company on the 30th of April, 1841, were £708,000. A grant was made in the session of 1840, of £173,000. That left the arrears of former years to be provided in 1841, at £535,000. The estimate of the expenditure to the 1st of April, 1842, was £658,000, making the total charge of April, 1842, £1,192,000. There have been applied to that charge the grant of parliament which was made for the session of 1841, and which amounted to £400,000; and there has also been applied in India money derived from the ransom paid for Canton to the amount of £618,000. I have, therefore, to set off for the whole of 1841, against the charge of £1,192,000, actual payments to the amount of £1,018,000, leaving the arrears to be provided for at present £175,000. Looking to the extent of the preparations which have been made for the continuance, and I trust the completion, of the hostilities with China, I do not think I can safely estimate the cost for the year ending the 5th of April, 1843, at much less than £1,400,000, or £1,500,000, for £500,000 of which we make provision in the present year. But let us take the whole cost at £1,300,000, that is the lowest sum we can fairly take, there will then be a deficiency, some time or other to be provided for, of not less than £800,000. Therefore, to my estimated deficiency of £2,470,000, in the sum to be provided for the general service of the year, you must add the probable demands which may be made upon you to the extent of £700,000 or £800,000. In addition to this, there may be demands for Australia and other colonies, that may possibly amount to the sum of £100,000. I do not take into account the charge which will probably be necessary on account of Canada—it is not a charge exactly, but I think there was an engagement that we should give the aid of our credit to Canada for a loan of £1,500,000. But that, I apprehend, is altogether independent of actual charge; and I think that, under the circumstances, we should not be disinclined to support the credit of Canada by that of this House. At the same time it is right, that the whole extent of our engagements should be placed fairly before the country. In addition to all this, those events of which we have had recent cogni-

zance, as having occurred in Afghanistan, may, and so far as I can form a judgment will, impose upon her Majesty's government the necessity of calling on parliament to sanction, perhaps, a considerable increase in the army estimates. I think it not fitting that we should come to any hasty decision in the absence of official information; but I have already received a decisive proof that the members of this House, the representatives of a great people, will be determined to make every effort which may be necessary for the purpose of repairing occasional or partial disasters, and vindicating the authority of her Majesty's name in India. Bear in mind, then, that to my estimate of the actual deficiency of £2,470,000 for the general service of the year, and of the deficiency which must at some time or other be provided for on account of the expenditure in China, you must add the probable demand I may have to make for the increase of the military or naval establishments of this country, having regard to the position of affairs in the East. Sir, for the purpose of bringing before the House a full and complete view of our financial position, as I promised to do, I feel it to be my duty to refer to a subject which has of late occupied little attention in the House, but which I think might, with advantage to the public, have attracted more of their regard—I refer to the state of Indian finance, a subject which formerly used to be thought not unworthy of the consideration of this House. I am quite aware that there may appear to be no direct and immediate connection between the finances of India and those of this country, but that would be a superficial view of our relations with India which should omit the consideration of this subject. Depend upon it, if the credit of India should become disordered, if some great exertion should become necessary, then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances would be felt extensively in this country. Sir, I am sorry to say, that Indian finance offers no consolation for the state of finance in this country. I hold in my hand an account of the finances of India, which I have every reason to believe is a correct one; it is made up one month later than our own accounts—to the 5th of May. Some question may arise on the papers presented to parliament with respect to the commercial assets of the company, but I have every reason to believe this to be a true account of the position of Indian finances. It states the gross revenue of India, with the charges on it; the interest of the debt; the surplus revenue, and the charges paid on it in England; and there are two columns which contain the net surplus and the net deficit. In the year ending May, 1836, there was a surplus of £1,520,000 from the Indian revenue. In the year ending the 5th of May, 1837, there was a surplus of £1,100,000 which was reduced rapidly, in the year ending May, 1838, to one of £620,000. In the year ending the 5th of May, 1839, the surplus fell to £29,000; in the year ending the 5th of May, 1840, the balance of the account changed, and so far from there being any surplus, the deficit on the Indian revenue was £2,414,000. I am afraid I cannot calculate the deficit for the year ending May 1841, though it depends at present partly on estimate at much less than £2,334,000. The House, then, will bear in mind, that in fulfilment of the duty I have undertaken, I present to them the deficit in this country for the current year to the amount of £2,350,000, with a certain prospect of a deficit for next year to the amount of at least £2,470,000, independently of the increase to be expected on account of China and Afghanistan, and that in India, that great portion of our empire, I show a deficit on the two last years which will probably not be less than £4,700,000. Sir, this is the amount of deficiency we have to meet (I mean, of course, only the part I have stated affecting this country); how shall that deficiency be supplied? We cannot escape the consideration of that question; and it is our duty, no doubt, before any proposition be made, to exhaust in consideration the modes by which that deficiency can be supplied. Shall we persevere in the system on which we have been acting for the last five years? Shall we, in time of peace, have resort to the miserable expedient of continued loans? Shall we try issues of exchequer-bills? Shall we resort to savings-banks? Shall we have recourse to any of those expedients which, call them by what name you please, are neither more nor less than a permanent addition to the public debt? We have a deficiency of nearly £5,000,000 in two years; is there a prospect of reduced expenditure? Without entering into details, but looking at your extended

empire, at the demands that are made for the protection of your commerce, and the general state of the world, and calling to mind the intelligence that has lately reached us, can you anticipate, for the year after the next, the possibility, consistent with the honour and safety of this country, of greatly reducing the public expenses? I am bound to say I cannot calculate upon that. Is this a casual deficiency for which you have to provide a remedy? Is it a deficiency for the present year on account of extraordinary circumstances? Is it a deficiency for the last two years? Sir, it is not. This deficiency has existed for the last seven or eight years. It is not a casual deficiency. In the year ending the 5th of April, 1838, the deficiency was £1,428,000. In the year ending the 5th April, 1839, the deficiency was £430,000. In 1840, it was £1,457,000. In 1841, the deficiency was £1,851,000; in 1842, I estimate the deficiency will be £2,334,030. The deficiency in these five amounts to £7,502,000; and to that actual deficiency I must add the estimated deficiency for the year ending the 5th of April, 1843, £2,570,000; making an aggregate deficiency in six years of £10,072,000. I am sure I shall not be blamed for adhering to my resolution, in making a full and unreserved disclosure of our financial situation. I do it, as I said before, because I am deeply impressed with the conviction that a full knowledge of the truth is the first step to improvement; and because I have that confidence in the resources, in the energy, and the wisdom of parliament, that I cannot consent to avail myself of that miserable subterfuge of withholding any knowledge I may be able to communicate with respect to the financial difficulties of the country. Well then, Sir, with this proof that it is not with an occasional or casual deficiency that we have to deal, will you, I ask, have recourse to the wretched expedient of continued loans? Sir, I cannot recommend such a step. It is impossible that I could be a party to a proceeding which I should think might, perhaps, have been justifiable at first, before you knew exactly the nature of your revenue and expenditure; but, with these facts before me, I should think I was disgracing the situation I hold, if I could consent to such a paltry expedient as this. I can hardly think that parliament will adopt a different view. I can hardly think that you, who inherit the debt that was contracted by your predecessors, when, having a revenue, they reduced the charges of the Post-office, and inserted in the preamble of the bill a declaration that the reduction of the revenue should be made good by increased taxation, will now refuse to make it good. The effort having been made, but the effort having failed, that pledge is still unredeemed. I advised you not to give that pledge; but, if you regard the pledges of your predecessors, it is for you now to redeem them. If, however, you are not bound by the pledges of your predecessors, you are bound, I apprehend, by the engagement which you yourselves have contracted. Almost the first vote you gave after the election of the present parliament, was the adoption of a resolution, that it was impossible to permit that state of things to continue which presented constant deficits of revenue. Parliament assured the Crown that they would without delay apply themselves to the consideration of finance, and would adopt some measures for the purpose of equalizing revenue and expenditure. I apprehend, therefore, that with almost universal acquiescence I may abandon the thought of supplying the deficiency by the miserable device of fresh loans, or an issue of Exchequer-bills. Shall I, then, if I must resort to taxation, levy that taxation upon the articles of consumption, upon those articles which may appear to some superfluities, but which are known to constitute almost the necessities of life. I cannot consent to any proposal for increasing taxation on the great articles of consumption by the labouring classes of society. I say, moreover, I can give you conclusive proof that you have arrived at the limits of taxation on articles of consumption. I am speaking now of articles of luxury which might be supposed not to constitute the consumption of the laborious classes; and I advise you not to attempt taxation, even upon those articles, for you will be defeated in your expectations of revenue. The right hon. gentleman opposite (Mr. F. Baring), attempting to redeem the pledge which had been given by parliament, to repair the deficiency which was caused by the defalcation of the Post-office revenue, proposed, in 1840, that 5 per cent. additional duty should be laid on the articles of customs and excise, and 10 per cent. additional on the assessed taxes. (Noise.) I am much obliged to the House for the patience with which they listen to me, and feel sorry to trouble them with these details, but I do think

them necessary parts of the statement I have to make. The net produce of the Customs and Excise, in the year ending the 5th January, 1840, after deducting drawbacks and repayments, was £37,911,000. And here I must observe, that I am now merely exhausting the different means by which men might contemplate the supplying of the deficiency, and trying to show that increased taxation upon any articles of consumption will not afford relief. I wish to carry your judgment along with me. I said that the net produce of the Customs and Excise in the year ending the 5th January, 1840, was £37,911,000, and the estimated increase in the Customs and Excise, by the additional 5 per cent., was £1,895,000. Comparing, therefore, the income from Customs and Excise in 1840 with that in 1842—and I take 1842 in preference to 1841, because you can thus more fairly estimate the effect of the increased duty—I find, while the estimated produce of the Customs and Excise was £39,807,000, the actual produce was only £38,118,000, the actual increase being, instead of £1,895,000, only £206,000; not 5 per cent. increase in the amount of revenue, but little more than one half per cent. realised in the attempt to impose 5 per cent. additional duty. In the depression of trade there may, undoubtedly, be circumstances sufficient to account for the expectations of the right hon. gentleman not having been realised; but still, making every abatement for these causes of decrease, I think it impossible not to admit that 5 per cent. increase of duty on articles of consumption would not produce 5 per cent. in net amount to the revenue. At the same time, the right hon. gentleman's estimate with respect to the produce of the assessed taxes was fully realised. I know it may be said that full time has not been given for notifying the intention to discontinue some articles partaking of the nature of assessed taxes; but, on the whole, I think we may disregard that circumstance, for although the notice of such discontinuance may not have taken full effect, yet the inference, I think, may be fairly drawn, that the right hon. gentleman did not overdraw his estimate. The net produce of assessed taxes in 1840, was £2,758,000; the 10 per cent. additional being £275,000, the estimated produce was £3,034,000; but the actual produce of the assessed taxes, including the additional 10 per cent. for the year ending the 5th of January, 1842, very far exceeded the right hon. gentleman's estimate; for instead of realising only £3,034,000, as he calculated, £3,500,000 was realised. From this perhaps I should make an abatement on account of the survey of windows. That new survey of windows produced an increase in the revenue of £430,000, consequently the increase in assessed taxes alone ought perhaps to be diminished to something like that amount; but still, if you make that abatement, you will find that the right hon. gentleman's estimate was verified—there was an increase in the assessed taxes to the full amount he calculated, the increase being £311,000, or 11½ per cent. was produced by the nominal imposition of 10 per cent. additional duty. I compare these two results—I compare the complete failure of the taxes on consumption, and the complete justification of the taxes upon something analogous to property. I find in the one case the estimate was verified, I find in the other it was disappointed. These are the results I feel it my duty to bring before the committee; but my immediate object was to adduce a proof that you had arrived, for purposes of revenue, at the limits of taxation upon articles of consumption. Then I say, making abatements on account of the depression of trade, I do not think any man can resist the conclusion which I draw, that to lay 10 per cent. additional on Customs and Excise will end in nothing but failure and disappointment. I have now discarded the notions of supplying the deficiency by incurring fresh debt. I have attempted to carry your conviction with me, while I have endeavoured to show that I cannot look to taxation on articles of consumption. Now, it is possible to resort to other expedients. Shall I revive old taxes that have been abolished, or impose new ones? Shall I restore the old postage duties? I do feel it to be necessary that you should adhere, not to the contract you have entered into, but to observe the request I made at the commencement of my address—that you should suspend your judgment until you have heard the entire of my plan. I must deal with each of these questions step by step. What I ask is, that you should not condemn any individual proposition until you can judge of it in relation to the whole. Never doubting the social advantages of the reduction of the duty in postage, thinking that the duty as it existed was too high, and might fairly admit of

reconsideration and reduction, I did nevertheless deprecate, in the then state of the finances, the reduction which took place to 1*l.* upon all letters. I do believe, if it were necessary, I could show to you that from the post-office you do not receive one farthing of revenue. If you will add the charge of the packets to the other expenses of the post-office, the account which will be presented to you will show a deficit in the revenue of the post-office. But when I state that, I do not undervalue the importance of the reduction in a moral and social point of view. I will not say, speaking with that caution with which I am sometimes taunted, but which I find a great convenience—I will not say that the post-office ought not to be a source of revenue. I will not say that it may not fairly become the subject of discussion; but I will say this, that I do not think the recent measure has had a complete and full trial; and I am so sensible of the many advantages which result from it, that I cannot recommend that in the present year we should attempt to alter it. I say again, notwithstanding all the taunts to which I have been exposed during the last month, in consequence of my proposal in respect to the Corn-laws, that no man can feel a more intimate conviction than I do, that whatever be your financial difficulties and necessities, you must so adapt and adjust your measures as not to bear on the comforts of the labouring classes of society. My conviction further is, that it would not be expedient, with reference to the narrow interests of property, that that should be done. Well then, Sir, I must, with my sense of public duty, abandon the hope of realising in the present year any revenue from the post-office. Shall I revive the taxes which were laid upon great articles of consumption, and which were very productive? Shall I revive the taxes upon salt, upon leather, and upon beer? With respect to leather, for instance, I do not know that the reduction took place with perfect wisdom; I am very much afraid that the full amount of the reduction was not carried to the account of the consumer. I believe you omitted to take a step which you ought to have adopted concurrently with the reduction of the duty on leather—namely, to reduce the duty on the import of foreign hides. I am afraid you reduced the duty on leather in favour of a monopoly, and without benefit to the consumer. But the question is not now whether we shall reduce an existing duty; the question is whether we shall revive a duty that has been abolished, and on the faith of the abolition of which various contracts, numerous commercial and manufacturing arrangements, have been made. If I take the case of salt, for instance, I find that, since the reduction of duty, salt has been consumed in a variety of ways in which its use was never before contemplated. On account of chemical discoveries and improvements, in consequence of the application of science to manufactures, salt now enters into a variety of products. The ground upon which the abolition of the duty was strongly urged, was the importance of facilitating the supply of salt to the working classes; but, independently of their consumption, in my opinion it would be unwise to revive the duty on this article, on account of its extensive use in manufactures. There might be a danger of interfering with manufacturing industry, which would greatly check its prosperity—there would be a necessary system of drawback on account of the salt consumed, which would lead to opportunities of evasion and fraud, and increase the necessity for larger excise establishments. I don't think I need argue, therefore, against the revival of the duties on salt, leather, or beer. Shall I then resort to locomotion for the purpose of finding a substitute? Shall I increase the taxes on railways? I confess nothing but a hard necessity would induce me to derive revenue from locomotion. In the present state of this country, when it is a great object to facilitate the transfer of labour, and to enable those to whom labour is capital to bring it to the best market—seeing the immense social advantages which result from the freedom of communication, not perhaps immediately visible, but still not the less real, I should contemplate with great reluctance and regret the necessity of increased taxation upon railroads. Again, gas has been suggested as a proper object of taxation. I must say I should be also unwilling to add to the taxes on gas. I range the taxes on locomotion and the taxes on gas-lights on the same category with the taxes on salt—not that the same principle is exactly applicable: but I freely own, seeing the deficiency I have to supply, I should be unwilling to look for revenue either from locomotion or gas-lights. Shall I, then, look for any portion of this deficiency to any of those miserable dribblets of taxation which occupy the attention of provincial Chancellors of the Exchequer? There are

those who seem to have nothing else to do but to suggest modes of taxation to men in office, and as I tried to discourage the applications to me for foreign consulships, and had thought of advertising with reference to Downing-street, I had no connection with the next door; I shall take this opportunity, with reference to these subjects of favourite occupation and amusement to those who, in small communities, turn their attention to financial affairs, and who fancy they have made some discovery that pretty nearly puts them on a level with Archimedes—when finding that pianofortes, umbrellas, or such articles, are not subject of taxation, they immediately suggest them to the Chancellor of the Exchequer, accompanied with a claim for a very large per centage on the ground of the novelty of their discovery, and the certain success of its application. I shall take this opportunity of discouraging all such suggestions, by assuring these volunteer financiers, that men who are spending eight or ten hours a day in consideration of matters of finance, are at least as likely to form an accurate judgment on such matters as those who suggest such pitiful propositions. There is another source, which, adopting this process of exhaustion, I must not forget, which was brought forward and urged upon the House by the late government, and to which I feel it to be my duty to refer. Shall I then hope for the increase of revenue from diminished taxation? Before I apply myself to this point, let me remind you of the extent of your deficit, the amount of the sum to be provided for, and the proof I have offered you, that it is not an occasional or casual deficiency you have to make good. No one has greater confidence than I have in the ultimate tendency of reduction in taxation on the great articles of consumption, if wisely managed; but, after giving to this subject the fullest consideration, I have come to the complete conviction, that it would be mere delusion to hope for supplying the deficiency by diminished taxation on articles of consumption. I have a firm confidence that such is the buoyancy of the consumptive powers of this country, that we may hope ultimately to realise increased revenue from diminished taxation; but a long period must elapse before this end is attained; and I feel confident that the adoption of any plan like that proposed by the late government, or the adopting of any other plan for raising revenue by means of diminished taxation, would not afford any immediate relief, or provide any resources on which we might rely for supplying the deficiency of the revenue. I have looked with considerable attention to the effect produced by a reduction of taxation upon articles of considerable consumption, and I do perceive that in many cases that elasticity which gives, after the lapse of time, increased revenue, but in almost every instance—in all, I believe, without exception—the length of time which elapses, after reduction of taxation, before the same amount of revenue is realised, is very considerable. Let us take the case of wine. In 1825, the revenue derived from wine was £2,153,000. The duty was reduced from 9s. 1½d. to 4s. 2¾d. the gallon; and in the next year after the reduction of the duty there was a falling-off of the duty from £2,100,000 to £1,400,000. In the next year, the duty amounted to £1,600,000; in the subsequent years to £1,700,000, £1,400,000, £1,500,000, and the duty has never since realised its former amount. Upon tobacco, the duty was reduced from 4s. per lb. to 3s. per lb. Previous to the reduction of the duty, the revenue derived from tobacco amounted to £3,378,000; and immediately after the reduction there was a falling-off. It fell from £3,300,000 to £2,600,000, then it rose to £2,800,000, and in the following years realised £2,700,000, £2,800,000, £2,900,000, and again, £2,900,000; but the duty on tobacco has never recovered its former amount. The case generally relied on, as showing the advantage of a reduction of duty on articles of consumption, is that of coffee. The duty on coffee was diminished from 1s. per lb. to 6d. per lb. This was in 1824, when the revenue received from coffee amounted to £420,000. In the next year after the reduction, the amount of duty fell to £336,000, then to £399,000, and in the third year the duty recovered itself, and has gone on advancing. Still, even in this instance of coffee, which is by far the most favourable case, a period of three years elapsed before the full amount of duty was realised. The duty on hemp was reduced from 9s. 2d. per cwt. to 4s. 8d. At the time of the reduction, the revenue derived from hemp was £236,000, and since then hemp has never yet paid but half that amount of duty. In the case of rum, there was an increase of revenue after the reduction of duty from 12s. 7d. per gallon to 8s. 6d. The duty on sugar was reduced from 27s. per cwt. to 24s. At the time of

the reduction, the revenue derived from sugar amounted to £4,896,000; it then fell to £4,600,000, to £4,300,000, and then rose to £4,500,000, and it has never since paid the same amount of duty. I do not think I need go through the whole of the articles in detail in which a reduction of duty has taken place. In addition to tobacco, hemp, sugar, and the articles I have mentioned, the duty was also reduced on glass, beer, soap, paper, on newspapers and advertisements; but I think I need not refer to all these articles in detail. In many of these cases, there has been no considerable reduction of the amount of duty, but, with the exception of coffee, which realised the full amount of duty in the third year after the reduction, and rum, there is not a single article, the duty on which has recovered itself within a period of five or six years after a considerable reduction. Therefore, on this ground, I am led to believe, that with respect to the present deficiency of the revenue, which it is necessary to supply, you cannot look to that supply from a mere reduction of duty upon articles of consumption; and, if you resort to that as the only means of supplying the deficiency, you must make up your mind to continue the system, which I thought you were ready to abjure, of having recourse to loans and those other devices I have before alluded to, for the purpose of making up the deficiency. I trust that I have—I will not say, convinced you, that one of those measures ought to be adopted, but that, at any rate, I have clearly explained the grounds on which I cannot be a party to their adoption. I will now state what is the measure which I propose, under a sense of public duty, and a deep conviction that it is necessary for the public interest; and impressed, at the same time, with an equal conviction that the present sacrifices which I call on you, to make will be amply compensated ultimately in a pecuniary point of view, and much more than compensated by the effect they will have in maintaining public credit, and the ancient character of this country. Instead of looking to taxation on consumption—instead of reviving the taxes on salt or on sugar—it is my duty to make an earnest appeal to the possessors of property, for the purpose of repairing this mighty evil. I propose, for a time at least, (and I never had occasion to make a proposition with a more thorough conviction of its being one which the public interest of the country required)—I propose that, for a time to be limited, the income of this country should be called on to contribute a certain sum, for the purpose of remedying this mighty and growing evil. I propose, that the income of this country should bear a charge not exceeding 7*d.* in the pound, which will not amount to 3 per cent., but, speaking accurately, £2:18:4*d.* per cent.—for the purpose of not only supplying the deficiency in the revenue, but of enabling me with confidence and satisfaction to propose great commercial reforms, which will afford a hope of reviving commerce, and such an improvement in the manufacturing interests as will re-act on every other interest in the country; and, by diminishing the prices of the articles of consumption, and the cost of living, will, in a pecuniary point of view, compensate you for your present sacrifices; whilst you will be, at the same time, relieved from the contemplation of a great public evil. [Interruption, and cries of "Order!"] I hope hon. gentlemen will allow me to make the statement I have yet to lay before the House uninterruptedly. In 1798, when the prospects of this country were gloomy, the minister had the courage to propose, and the people had the fortitude to adopt, an income-tax of 10 per cent. The income-tax continued to the close of the war in 1802; and in 1803, after the rupture of the peace of Amiens, a duty of 5 per cent. was placed upon property. It was raised in 1805 to 6½ per cent., and in 1806 again to 10 per cent.; and so it continued to the end of the war. I propose that the duty to be laid on property shall not exceed 3 per cent., or, as I said before, exactly £2:18:4*d.*, being 7*d.* in the pound. Under the former tax, all incomes below £60 were exempt from taxation, and on incomes between £60 and £150, the tax was on a reduced rate. I shall propose, that from the income-tax I now recommend all incomes under £150 shall be exempt. Under the former income-tax, the amount at which the occupying tenants were charged, was estimated at three-fourths of the rent. It is admitted, I believe, that to calculate the profits of the tenants at three-fourths of the rent was too high an estimate. I propose, therefore, that in respect of the occupying tenant, the occupation of land shall be charged at one-half, instead of three-fourths of the rent. I believe this to be a perfectly fair reduction; and it was contemplated in 1816, when Lord Bexley pro-

posed the renewal of the income-tax. I believe it to be a perfectly fair reduction, inasmuch as rents have increased in reference to the value of land in a proportion to justify it. I propose—for I see no ground for exemption—that all funded property, whether held by natives of this country or foreigners, should be subject to the same charge as unfunded property. This is the nature of the proposition which it is my intention, with the full and unanimous concurrence of my colleagues, and with the deepest conviction on our parts that it is wise and necessary, to submit to the House. Of course, the House will call on me for some estimate—the best I can form—of the probable produce of this tax. I am sure that every gentleman will admit that the means of forming an estimate are imperfect; but I will give the best I can make, and state as clearly as I can the grounds on which it is based. In 1814, which is the last year in respect to which we have returns, the income in Great Britain, assessed to the property-tax, was £170,000,000. The property on which the income-tax was assessed, was comprised in five different divisions or schedules. The schedule distinguished by the letter A contained the property which was derived from land. It was divided into three classes:—the rent of land, the rent of houses, and the rent derived from tithes, quarries, mines, canals, and other similar descriptions of property. The property classed under the rent of land, in respect of which a duty was imposed, amounted to £39,400,000. The rent of houses equalled £16,260,000; the profits from tithes, &c., £4,470,000; making a total value of the property derivable from lands of £60,130,000. Schedule B contained the rent of land in respect of occupation by occupying tenants; and the amount of income on which the duty was imposed equalled £38,396,000. Schedule C contained the income from public funds and similar securities, amounting to £30,000,000. Schedule D contained the profits of trades and professions, amounting to £38,310,000; and schedule E the income of public officers, amounting to £11,744,000. Now, I will in the first place deal with schedule A. As I said before, the rent of land is there stated at £39,400,000. Now, I cannot doubt that the return of peace and the cessation of war prices must have had a considerable effect in reducing the rental of land; and taking into consideration the effect of the restoration of the currency, the rental of land may probably at first have fallen far below that amount; but still, when I look at the improvement which agriculture has received from mechanism, and the effect of the application of science to land, I cannot but entertain a conviction that the present rental of land must be equal to the rental in the year 1814. I will, therefore, assume that the rental of land is at present equal to what it was in 1814; and put it down at £39,400,000. The rent of houses in 1814, equalled £16,260,000. I presume I am acting in accordance with the general opinion of this House in entering into these details. In 1814 the number of houses was 2,231,000; in the present year the number has increased to 3,460,000. If the increase of rent be proportioned to the increased number of houses, I shall be justified in estimating the amount of income derived from the rental of houses at £25,000,000. There is another principle on which I can form my calculation. I can take a proportion of rental which was valued to the house-tax, and compare it with the valuation for the purpose of the property-tax in 1814, and I find very nearly the same result. A calculation founded on the relation which the charge to the house-tax bore to the charge to the property-tax will give a present income of £25,000,000. Forming an estimate, therefore, in either way, I calculate the present rental of houses at £25,000,000. With respect to tithe, little doubt comparatively exists. As far as I can learn, from the information of the tithe commissioners, the amount of tithe is £3,500,000. I find that the dividends, as far as I have been able to ascertain the fact, of railway companies, canals, and other property of a similar nature, amount to £3,429,000. I do not think that the annual profits derived from mines and iron-works are more than £1,500,000. Adding these three last mentioned sums together, the result is a total of £8,400,000. I will now recapitulate the estimate of property in schedule A. I calculate the rent derivable from land at £39,400,000, the rent of houses at £25,000,000, tithe, railway shares, and mines, and other property of the same description, at £8,400,000, which gives a total income in respect to which a tax is proposed to be imposed (subject to a limitation I shall presently mention) of £72,800,000. I propose, however, that all incomes under £150 shall be exempted from the tax. This is an immense deduction, being not less than one-fourth of the



total of the accessible property. Deducting that one-fourth, the produce of the tax on the species of property included in schedule A will be £1,600,000. Schedule B is the rent of lands in respect of occupancy. The sum assessed in 1814 was £38,396,000, but in that year the value of tenants' occupancy was assumed to be three-fourths of the rent; whereas I take it at one-half of the rent. I assume, then, the rent of land which I can touch by my assessment, in the first instance, to be reduced to £26,000,000, on account of that reduction from three-fourths to one-half. Then I must apply another exemption, namely, all tenants who derive profits less than £150 a-year. On that account I must make a further reduction; so that, upon the whole, I cannot calculate upon a greater amount of duty than £150,000 from occupying tenants. The effect of this will be, as I calculate the profits at one-half, that a tenant who pays a rent of less than £300 a-year will be exempt from this tax, unless indeed he has other sources of income. I now come to schedule C. Schedule C comprises income from public funds and securities. The capital assessed under this head in 1814 was £30,000,000. The payments in the year 1814 for dividends and interest of public funds and securities amounted to £29,400,000. I think there cannot be a question that I ought to deduct the whole amount of payments on account of savings-banks. I must, therefore, on that account, make a deduction of £1,000,000, which will give me a net income assessable to the property-tax from the public funds of £28,400,000. To that I must add for the dividends on Bank-stock, India-stock, and Foreign-stock, the dividends of which are payable in this country, an amount of £1,500,000, making a total amount of very nearly £30,000,000 for the amount of payments in the year 1841. But again I must apply a deduction on account of all exempted incomes of less than £150 a-year. I deduct one-fourth on that account, and the estimated produce of the property-tax, arising from public funds and securities, is £646,000. Schedule D, in 1814, contains income derived from the profits of trades and professions. Here it is exceedingly difficult to form an estimate which shall approach the truth. I find that the total exports and imports in 1814, compared with the total exports and imports in 1841, were in the ratio of 86 to 138; but the declared value of those exports bears only a ratio of 45 to 51. The quantity of British shipping, however, employed in commerce in the year 1814 was 1,990,000 tons, and in 1841 it was 3,292,000 tons. From this I cannot form an estimate upon very satisfactory grounds; but I think that the income derived from trades and professions in the present year cannot be far short of £56,000,000. I deduct one-fourth on account of exempted income, and the produce of the tax upon the whole I calculate at £1,220,000. Schedule E contains the income of all public officers. In 1814 the income of all public officers amounted to £11,744,000. On account of the great reductions in our establishments which have taken place, a very great deduction must be made from the income of public officers. I do not think it could be safely estimated at more than £7,000,000 instead, of £11,744,000. I again must deduct one-fourth for exemption; that leaves as assessable a sum of £5,250,000, and the produce of the tax £155,000. I will recapitulate the total estimated amount of duty from the application of a tax which I will take at 3 per cent. for the purpose of keeping the subject clear. Under

Schedule A I calculate upon deriving .....	£1,600,000
Schedule B .....	150,000
Schedule C .....	646,000
Schedule D .....	1,220,000
Schedule E .....	155,000

Making the total aggregate estimated receipts..... £3,771,000

I will now state what are the views of her Majesty's government with respect to the duration of this duty, if it shall meet with the sanction of the House. I trust that parliament will confirm the duration I am about to propose; and I trust that parliament would not be unwilling, in case of necessity, to continue the duration of this tax for a period of five years. But still there may be, as there have been before, and of which I do not despair, those revivals of commercial prosperity, coupled with the measures which I am about to propose, that may make parliament naturally anxious to have an opportunity of reconsidering the subject at an earlier

period than that which I name; they may wish to have the opportunity of considering the operation of this tax at an earlier period than five years; and although I must contemplate the possibility, for public interests, of that duration, and although I trust that, in case the experiment should not be complete, parliament would not hesitate to prolong it, yet I think, upon the whole, it is only just, in the first instance, to limit the experiment to a period of three years, in order to give parliament an opportunity of continuing it at the end of that time, if necessary. I propose that it shall commence so that the 10th of October next shall be the first half year. I come now to consider a matter intimately connected with this, and of great importance just now, namely, the relation of Ireland to this country, with reference to this finance. In my opinion, if war should arise—I speak, of course, of some great European contest, calling upon this country to put forth all its energies—I will not hesitate to express my opinion, that in such a case Ireland ought to contribute, and I believe she would be desirous to contribute, her full share of the national expenditure. But when I am proposing a tax limited in duration in the first instance to a period of three years, and when the amount of that tax does not exceed 3 per cent., I must, of course, consider, with reference to public interests, whether it be desirable to apply that tax to Ireland. I must bear in mind that it is a tax to which Ireland was not subject during the period of the war; that it is a tax for the levy of which no machinery exists in Ireland. One advantage of the tax here is, that I can raise the amount at less charge than any other kind of tax. The machinery is complete; but Ireland has no assessed taxes; the machinery there is wanting, and I should have to devise new machinery for a country to which the tax has never been applied; and although I claim for parliament the entire right to apply to Ireland this tax, if such necessities as we have seen should require it, yet in the state of society in Ireland there is something peculiar, which makes the devising of machinery for its collection matter of grave consideration. At the same time, as no part of the empire will be more benefited by the reductions which I am about to propose than Ireland, and as Ireland is united with this country, I think Ireland ought to bear a fair proportion of the public charges, and of that increased revenue which I am about to raise. If I find the means of raising from Ireland any thing which might be considered of about an equivalent amount to that which she would contribute under an Income-tax, I should not be reluctant to raise that amount by other means. I think I can suggest two modes. [Slight interruption.] I have a very extensive theme to travel over, but I will not detain the House long, if you will favour me with as little interruption as possible. I can, I think, raise an amount very nearly equivalent to that, or perhaps quite, which Ireland would have to contribute by an Income-tax, perfectly consistent with the terms of the Act of Union, and without imposing any serious burden upon that country. I propose, in the first place, to levy a duty of 1s. a gallon upon spirits manufactured in Ireland, and I firmly believe that, by this means, a considerable revenue may be derived, not only without injury to the Irish distillers, and to Ireland itself, but with much positive advantage to them and to the country. I must shortly call the attention of the House to the state of the spirit duties. In England the duty upon spirits is 7s. 10d. a gallon; in Scotland the duty is 3s. 8d.; and in Ireland it is 2s. 8d. a gallon. If it were possible to equalize the spirit duties in the three countries, great advantage would result from it. It would be of the utmost advantage to place all articles of produce of the three countries—the three constituent branches of this great empire—upon precisely the same footing, and do away with all this system of duty and drawback on the intercourse of the three countries, which leads to great frauds, and operates most prejudicially; and I think I can say conclusively, that so far from Ireland deriving any advantage from the diminished rate of duty, it has had a very prejudicial effect upon her commerce. As I said before, the duty on spirits in Ireland is 2s. 8d. a gallon, and 3s. 8d. in Scotland. What is the consequence? The Scotch distiller exports his spirits in bond, and on landing it in Ireland pays the Irish duty of 2s. 8d. a gallon; but the Irish distiller has no corresponding advantage in exporting his spirits to Scotland; and he pays upon its arrival there 1s. duty on account of the increased duty in that country. The consequence is, that Ireland receives a large supply of spirits from Scotland, but sends no corresponding supply of spirits to Scotland. I cannot give a stronger proof

of the evil that arises from different rates of duty applicable to different parts of the empire. Again, Ireland appears to have another nominal advantage on account of the drawback upon malt, but that, in fact, operates to the prejudice of Ireland. The Scotch distiller sends his spirits to England, but he has no drawback on account of malt, because the English distiller has none; but the Scotch distiller, in sending spirits to Ireland, has a drawback of 8*d.*, because the Irish distiller, is entitled to a corresponding drawback. That again tells injuriously to the Irish distiller; and Ireland would itself derive a positive advantage, although paying a higher duty than at present, from equalizing the duty upon spirits between Ireland and Scotland. Of course it is desirable to consider what would be the probable amount of duty which I should derive from this change of the duty on spirits in Ireland. I believe that no one will deny that spirits are a fit subject for taxation, and that the limit to a tax on spirits is that rate at which it will yield the greatest revenue to the State. At any rate, it is no objection to a duty on spirits that it may encourage the consumption of other excisable articles of a less exciting and injurious nature. The consumption of spirits in Ireland in the last year was 6,500,000 gallons. It increased very rapidly from the 5th of January, 1839, to the 5th of July, 1841, and with a surprising and most landable constancy the people of that country, in the fulfilment of the engagement they have entered into, abstained from the consumption of that article. I am sorry, however, to say, that the force of the temperance obligation appears to be relaxing in that country. It may have arisen from some other causes; but there has been an increase in the consumption of spirits from the 5th of July, 1841, to the present time. I have inquired most minutely into the probable effect which the increased duty of 1*s.* might have in encouraging the great evil—illicit distillation; but from the opinion of competent authorities upon this subject, whom I have consulted, I think that spirits in Ireland will bear a corresponding rise to the amount of duty on spirits in Scotland without any risk of diminishing consumption, or giving encouragement to illicit distillation. If that be so, if an additional duty of 1*s.* a gallon be paid, taking the annual consumption of spirits at what it is now, namely, 6,500,000 gallons, after deducting for some decrease in consumption and for an increased expense of supervision, I should hope to realise from spirits in Ireland an income of £250,000. The other source from which I contemplate deriving an additional income from Ireland is making with the tax on spirits an equivalent for that which I should have hoped to derive from a property-tax, is a source perfectly legitimate, and in its effect will, to a certain extent, fall upon property. I propose, in respect to the great mass of articles, particularly with respect to all those which are connected with property, to equalize the stamp duties in Ireland with those in this country. At the present time the duties are the same upon newspapers, marine insurance, policies, protests, and foreign bills of exchange. I propose not to increase the stamp duties in Ireland in all cases, for I propose no addition to the rate of duty upon advertisements, or upon leases just fallen in. In each country, both in great Britain and Ireland, I propose to make some reductions in the stamp duty. On charter parties in every part of the United Kingdom I propose a reduction from 3*s.* to 5*s.* I propose also to reduce the stamp duty on bills of lading in Great Britain and Ireland from 3*s.*, the present amount, to 6*d.* But I propose to raise Ireland to the English level, with respect to those stamp duties which affect property, and to make the contributions from Ireland equivalent to a contribution from a property-tax. I estimate that the equalization of stamp duties in Ireland to those of England, with the exception I have mentioned—namely, advertisements, which I do not propose to raise, is likely to produce £160,000; add that amount from the stamp duties to the £250,000 from the spirit duties and the increased duty from Ireland will amount to £410,000, and I have the most perfect conviction that that is wiser and better, and more just under present circumstances, than to devise new machinery, and impose a property-tax in that country. At the same time, with respect to absentees from Ireland, I propose that they shall be subject to the income-tax as if their estate were in England. If they find the burden onerous they can throw it off by returning to their own country; and, by spending their income on their estates, they may escape the levy I propose. But speaking of regular professed absentees, living and spending their incomes in this country, without any call of public duty, I think the income they derive from

Ireland ought to be subjected to the same impost as incomes derived from England. Sir, there is one other duty I mean to propose. At present there is a duty imposed by law upon the export of coals in foreign ships of 4s. per ton. When that duty was imposed, it was the policy of the legislature to encourage the employment of British vessels, and no duty was imposed on coal exported in British ships. Now, the operation of the reciprocity treaties, as no duty is levied on coals exported in British ships, has been to exempt foreign ships from the duty which it was originally intended to levy on the export of coals. Sir, I must say I cannot conceive any more legitimate object of duty than coal exported to foreign countries. I speak of a reasonable and just duty, and I say that a tax levied on an article produced in this country—an element of manufactures—necessary to manufactures—contributing by its export to increase the competition with our own manufactures—I think that a tax on such an article is a perfectly legitimate source of revenue. Sir, it is important to consider the rapid increase in the quantity of coal exported; in 1831, the quantity was 356,000 tons, the duty received being £50,000; in 1833, the quantity was 448,000 tons, the duty being £64,710; in 1839, the quantity was 1,192,000 tons; in 1840, 1,307,000 tons; but the realised income, instead of being, as in 1833, £64,000, was only, in 1840, £6,900! Now, I do not intend to increase the duty. I wish not at all to prohibit the export of coals; but I propose that the duty at first intended to be levied on coals exported in foreign ships should be paid; and with this view I propose that the duty of 4s. per ton shall be levied on coal exported in British, as well as in foreign, ships, thus removing the exemption which, under the reciprocity system, the foreign ships claim, and also removing all grounds of complaint. If the duty of 4s. shall be paid on the same number of tons as are now exported, I shall then derive an annual amount from this source of revenue of £200,000, not an inconsiderable increase of revenue, and operating, as few taxes do, to the encouragement of native industry. Now, Sir, having stated to the House all the new taxes I mean to propose, perhaps it may be convenient to the House that I should briefly review the total amount. Of course I am speaking of the year ending the 5th of April, 1843; as it is from the 5th of April, 1842, that I propose these taxes to commence, with the exception of that on spirits, which (in order to avoid evasion) I must propose for adoption at the earliest possible period. Then, Sir, calculating with respect to the property-tax a receipt of £3,700,000 (dealing only, now, in round numbers), from the stamp duties' equalization £160,000, from the increase of spirit duties £250,000, and from the duty on the export of coal £200,000, I make the total £4,310,000, as the amount of annual estimated income derivable from the new imposts I propose. [Mr. Labouchere intimated across the table that Sir Robert Peel had omitted an item of £70,000, to which the right hon. baronet assenting, stated the amount would then be £4,380,000.] Now, Sir, I must deduct from this amount the estimated deficiency on actual votes, for which, of course, I must provide—that I take to be £2,570,000, leaving a surplus of £1,800,000. But then the House will bear in mind, that this deficiency arises on votes for the current year, and that there must be added the excess of expenditure on the China expedition, &c., which I cannot estimate at less than £800,000. Whatever measures, also, it will be necessary for us to adopt in respect to India must be deducted from the estimate; but for the present, with these reserves, and subject to such additional deductions, I calculate on a surplus of £1,800,000, after providing for the excess of expenditure on actual votes. Having that surplus, then, Sir, in what way shall we apply it? I propose to apply it, namely, in a manner which I think will be most conducive to the public interests, and most consonant with public feeling and opinion—by making great improvements in the commercial tariff of England, and, in addition to these improvements, to abate the duties on some great articles of consumption. Sir, I look to the tariff, and find that it comprises not less than 1200 articles subject to various rates of duty. During the interval which I have been blamed for taking to consider the subject, I can only say, that each individual item in that tariff has been subjected to the most careful consideration of myself and colleagues. In the case of each article we have endeavoured to determine, as well as we can, the proportion borne by the duty to the average price of the article, for the purpose of ascertaining to what extent it may be desirable to make reductions of the several duties; and the measure which I shall

propose will contain a complete review, on general principles, of all the articles of the tariff, with a very great alteration of many of the duties. We have proceeded, Sir, on these principles (observe, that I am speaking of general views; there may be individual articles which should form exceptions, but I wish a general result); first, we desire to remove all prohibition, and the relaxation of duties of a prohibitory character; next, we wish to reduce the duties on raw materials for manufactures to a considerable extent—in some cases the duty we propose being merely nominal, for the purpose more of statistical than revenue objects; in no case, or scarcely any, exceeding, in the case of raw materials, 5 per cent. I speak, of course, in a general way. Then we propose that the duties on articles partly manufactured shall be materially reduced, never exceeding 12 per cent. Again, I say, I speak only as to general principles, and without reference to particular cases that may be excepted; while as to duties on articles wholly manufactured, we propose that they shall never exceed 20 per cent. These are the general views of the government as to the maximum duties to be imposed, not referring to certain commodities which I will mention subsequently. The course we have pursued, Sir, is this:—We have arranged the whole tariff under twenty heads. Under the first head, for instance, including live animals and provisions of all kinds; under the second, articles considered as spices; under the third, seeds; under the fourth, wood for furniture; under the fifth, ores, and other materials for manufactures; and without, Sir, going through all the immense mass of detail, I propose forthwith to lay before the House the amended tariff scheme. It is all prepared; it is arranged as clearly as possible under the twenty different heads, classing, as nearly as practicable, articles of a similar nature, each schedule arranged under five columns—the first giving the names of the articles, the second the present rate of duty, the third the amount of duty actually received during the year 1840, taken from the import duties' committee report, the fourth the proposed rate of duty to be levied on articles imported from foreign countries, fifthly, the proposed rates of duty on the imports from British colonial possessions. Now, Sir, it appears that I could not lay before the House my project in any clearer way than in the one I intend. To attempt to go through all the provisions of my plan, at present, would increase my labour too much, and too greatly fatigue the House. Here, Sir, is the new tariff, arranged under the twenty different heads I mentioned; and on Monday morning all those engaged in commerce and manufactures throughout the country will have the opportunity of seeing what are the duties which the government intend to propose. [The right hon. baronet laid the paper on the table.] Now, Sir, speaking generally, as I said before, I think that out of the 1200 articles in the tariff, it is proposed to reduce the duty on 750—on all those articles which enter into manufactures as chief constituent materials. There remain about 450 articles on which it does not appear necessary for the interests of commerce, and for the interests of consumers, to make any deduction of duty. But on 750 duties, out of 1200, I do propose reductions, some of them most material. Now, there are some very important articles on which we do not propose any reductions; partly from considerations of revenue exclusively; partly on this account, that we found, on entering office, there were negotiations pending with many states, in respect to proposed commercial treaties; and we have done all we could to continue those negotiations, commencing, also, with some other states. We have at this moment a treaty pending, commenced under the auspices of the noble lord opposite, with Portugal; and I firmly believe, that had it not been for recent events disturbing the peace of that country, this treaty would ere this have been completed. We have opened communications with Spain, for the purpose of forming a commercial treaty with that country, strongly urging on that country the policy of encouraging international commerce. As to this treaty, I can say nothing more at present than that the proposition was favourably received by the Spanish government. We have, further, negotiations pending with Sardinia and with Naples; we have commercial treaties arranging with some of the South American states; we have, moreover, intimated to France our earnest desire to resume negotiations for the completion of a commercial treaty, founded on principles, as I believe, of reciprocal benefit, and having a tendency to strengthen the ties of amity and friendly feeling between the countries. This treaty, which was nearly completed by the noble lord, I must wish had

been carried into effect by him, believing most sincerely, that France and England would, morally as well as commercially, have derived the greatest benefit from it. I know not which country would have benefited most. There is the opportunity of materially benefiting the trade and industry of both countries, by the relaxation of present duties. Would the prejudices of the French people admit of it, the benefit resulting to one country would re-act beneficially on the other, to an extent not to be estimated. I think it, however, right, adhering to strict truth, to add, that I can offer no prospect as to the probable period at which this treaty may be ratified; but with my conviction of the reciprocal benefits certain to result from it, I sincerely hope that the public mind in France will support the government of that country in carrying it out. Now, while these treaties are pending, there are several articles, wine and brandy for instance, which would enter into discussions with these states, and in respect to the duties on which, therefore, I shall humbly advise the House not at present to make any material relaxation. I will not now enter upon the question, as to whether it be or be not wise to make reductions of duty on imports without obtaining an assurance of corresponding relaxations from the countries benefited by our reduction of duty; but I must say, that when we make such reductions on articles imported, we ought to do our utmost to procure from foreign countries benefited thereby corresponding advantages for England. Nor can I deem it wise to diminish the hope of satisfactorily arranging these relaxations with foreign nations, by rashly reducing the amount of duties on articles which must form the bases of negotiation. I do not, therefore, propose any reduction in the amount of duties on brandy, wines, &c., though I hope that they may be reduced when corresponding relaxations are made by other countries benefited by our reductions. These observations are applicable to various kinds of fruits on which I should be desirous of remitting duties, but on which, as they form the subject of negotiations with some foreign powers, I propose to retain the present rates of duty, in order to facilitate our negotiations for the remission of duties on British manufactures and commerce. I do not think it necessary to enumerate other articles with respect to which no alteration will be made. The tariff will soon be in the hands of hon. members, and will furnish them with the requisite information. Now, Sir, these various reductions, or removals of prohibitions, or relaxations of duties, on articles such as oils, ores, &c.,—these reductions having a tendency to remove the burdens upon commerce, and increase its buoyancy, and producing as they will, I firmly believe, advantages to commerce and manufactures far exceeding in proportion the loss to the revenue, will consume about £270,000 of the surplus I have mentioned. Sir, I have been speaking of reductions of duty on articles entering into manufactures; I now address myself to the consideration of reductions in duties on great articles of consumption. Sir, the chief articles of consumption to which duties refer are (independently of wines, &c.) sugar, coffee, and tea. I wish I had it in my power to state to the House, that her Majesty's government could propose to parliament such an alteration in the duties on sugar as would be likely to afford a large measure of advantage to the consumer. I do not deny, that if we were wholly unembarrassed by the question of the slave-trade, that I should have felt it my duty to propose a considerable alteration on this subject; but, looking at our position with reference to our own West India colonies, and having due regard to our relations with foreign states, and bearing in mind the treaties into which we have entered, I confess I do not see how it would be possible for me, with justice or with safety, to propose any modification of the duties now collected from sugar; at the same time I am quite prepared to admit that this is a department susceptible of some change. The proposition which I shall have to make will be, not like the measure proposed in the last session of Parliament, which would have had the effect of exposing sugar, the produce of British possessions, to foreign competition; but, on the contrary, one which will protect the British producer, while, as I hope, it will do no injury to the consumer. If I did reduce the duties on sugar, I trust that the reduction would be such as to ensure an increased consumption at a diminished charge. I need scarcely remind hon. members, that it is of the utmost importance so to limit these changes as that the profit shall fall, not into the hands of the retail dealer, or rather, I should say, that the whole advantage of the remission of duties should accrue to the consumer alone. I cannot con-

sent, neither can those with whom I have the honour to act, acquiesce in any arrangement the effect of which would be to permit the accession or the import of sugar into this country, the produce of Brazil or of Cuba, without making some effort for the purpose of restraining that trade which this country has so long and so vigorously resisted. I retain the opinion which I formerly expressed upon this subject—that I do not believe it would be consistent with the honour and character of this country to take any course, however strong the motive for its adoption, the tendency of which would be to give the remotest sanction or encouragement to that traffic; but, on the contrary, to spare no pains and evade no sacrifice which could with safety and justice be made for the purpose of effecting its abolition, or, as far as our power extended, of mitigating its severity. Considering then the peculiar circumstances of our position with respect to the slave-trade, I cannot think it would be for the honour, the character, or the advantage of this country that we permit a competition between sugar the produce of British possessions, and the sugar of foreign colonies produced by slave-labour. Is it politic to adhere to the principle of reducing the duty on sugar the produce of British possessions alone? I greatly doubt the policy of any such reduction. If there could be a free competition, then I should say, that the case would be most materially altered. Nothing can be more evident than that it would be greatly to the advantage of the West India proprietors, that her Majesty's government should encourage the growth of their sugar by a considerable remission of duties; but while sugar received only that support which was at present conceded to it, it should not be forgotten that the trade in sugar partook in some degree of the nature of a monopoly, and therefore I am afraid to reduce the duty; I am afraid, as the supply is limited, that the cost price to the consumer would not be reduced. I am afraid, that such reduction would operate, not as a relief to the consumer, but a bonus to the West India proprietor; and though I do not disguise from myself the advantage of reducing the duty on sugar, yet, after every consideration which I have been able to give the subject, I am not able to communicate views differing from those which I expressed last year. There are, I confess, some circumstances from which I derive consolation in adhering to these views; I find that in the year 1841, there has been a very material increase in the consumption of sugar the produce of British possessions. I shall now proceed to lay before the House a short statement, showing the recent consumption of sugar, and the amount of duty collected from the importation of that commodity. In the year 1840, that is, the year ending the 5th of January, 1841, the quantity of sugar imported from British possessions was 4,035,000 cwt. In 1841, viz., the year ending on the 5th of January, 1842, the importation of sugar amounted to 4,880,000 cwt. The quantity of sugar imported for home consumption in the year 1840 was 3,594,000 cwt. In 1841 it was 4,058,000 cwt. The gross amount of duty collected in the year 1840 was £4,465,000. In 1841 the duty collected amounted to £5,120,000. Thus it will be seen that the duties, without the addition of the foreign sugars, correspond as nearly as possible with the calculation made last year by the right hon. gentleman opposite; but the House would, of course, see that the consumption of the present exceeded the consumption of last year, and the total amount imported from British possessions in the East Indies in the current year exceeded the importations of the preceding season. It is almost needless to observe that the imports afford the best data which we can possess for the purpose of forming an estimate of the probable supply for the ensuing year. There is at present, or I should say there was on the 5th of the present month, in London, of British plantation, Mauritius, and East Indian sugar 410,000 cwt., while in the outports the quantity was 180,000 cwt. The total quantity then in warehouse in this country was 590,000 cwt. On the expected imports of sugar during the year 1843 I have sought the best information, and consulted those on whose judgment I have good reason to rely. The result of the communications which I have held upon the subject lead me to the conclusion that as nearly as possible the imports of sugar in the next year may be estimated at 2,400,000 cwt. from the West Indies, 800,000 cwt. from the Mauritius, and 1,700,000 cwt. from the East Indies, making a total of 4,900,000 cwt. Now, if we add to this the quantity at present in warehouse in England, namely 590,000 cwt., we have for the consumption of the year 1843, a quantity of sugar which might

fairly be estimated at 5,490,000 cwt. The amount of sugar taken out for home consumption in the present year was 4,040,000 cwt.; now that would leave a surplus over the largest quantity ever derived from British colonies of not less than 122,000 cwt. The statements which I have made are founded upon the best and the most accurate information which it was in my power to obtain, but I do not mean to say that it warrants a conclusive argument against the principle of permitting foreign competition in the article of sugar, supposing always that we were not embarrassed by the question of slavery; but I am happy to say that the opinion expressed by government as to the anticipated reduction in the price of sugar, and the increase to the revenue without resorting to foreign supplies, has been fully realised. I am quite aware that other questions have arisen with respect to the application of our efforts towards laying a foundation for the gradual abolition of slavery, in the success of which the country is much interested, and the success of which is of the highest importance to the honour, the good faith, and the prosperity of Great Britain. Imputations on the honour and good faith of the country have been thrown out in reference to the efforts which we have made to accomplish the total abolition of slavery. One of the fairest and most obvious modes by which charges of that nature may be answered is, to avoid any thing which could be construed into an encouragement, direct or indirect, of the slave trade; therefore am I disinclined to incur the risk of doing any thing that could tend to increase the horrors of slavery. On those grounds, then, I adhere to the opinion which I expressed in the course of last year, and which I repeat on the present occasion, that I am opposed to the reduction of the duty on sugar while it partakes of the character of a monopoly. I now come to two articles of very general consumption—coffee and timber. With respect to both of these, I trust that the propositions that I shall have to make will be more generally acceptable. I am sorry to say, that though there has been an increase in the consumption of sugar, there has been a decrease in the consumption of coffee. In the year 1840 the home consumption of coffee was 2,870,000lb. In 1841 it was 2,844,100lb. The gross amount of duty received in the former year was £922,000, and in the latter £880,000. The duty on foreign coffee is 1s. 3d., while on coffee produced in British possessions the duty is only 6d., and the duty on coffee produced in territories comprehended within the limits of the East India Company's Charter is 9d. Will the House do me the favour to look for a moment at the effect of this condition of our fiscal regulations? Coffee the produce of Brazil and Hayti is conveyed to the Cape of Good Hope, and thence transmitted to England, in order that it may come in at a duty of 9d. This, with 1d. for the charges of freight, places foreign coffee under a burden of 10d., when coffee the produce of British possessions pays 6d. Now, it appears to me in this case the wisest, the fairest, and the best policy to make a reduction on great articles of consumption, instead of several of smaller amount on articles of minor importance. I desire to make the reduction considerable, and I desire at the same time to make it effectual, and the mode in which I propose to accomplish this is, by imposing two simple duties, and to get rid of the absurdity of sending coffee from Brazil and Hayti to take a voyage to the Cape of Good Hope before it comes to England. I thus appear to myself to get rid of the charges of freight, and to place the provisions respecting the importation of coffee upon a simple and intelligible basis. I intend that coffee, the produce of British possessions, shall come in at a duty of 4d., and that foreign coffee shall pay 8d. I shall now proceed to calculate the probable loss to the revenue from this arrangement. In the year 1841 the quantity of coffee imported from our own possessions was 17,571,884lb. The supply of foreign coffee during the same period was 10,849,000lb. Now, with the altered duty, I find, upon the most accurate estimate which can be made of the probable loss, that it will not exceed £171,000. The whole of the calculation into which I have entered stands thus:—

		Revenue.
From British possessions, 17,571,884lb. at 6d.	.	£463,699
„ Foreign countries, 10,849,096lb. at 9d. 1s. and 1s. 3d.	.	427,947
Revenue received in 1841	.	<u>£891,646</u>



	Revenue.
Assuming no increased consumption, the Revenue at the two duties of 4 <i>d.</i> and 8 <i>d.</i> would be—	
From British possessions, 17,571,884lb. at 4 <i>d.</i>	£292,864
„ Foreign countries, 10,849,096lb. at 8 <i>d.</i>	361,636
Revenue for 1842 and 1843	654,500
Revenue for 1841	891,646
Loss, assuming no increase of consumption	237,146
Assuming that the increase of consumption will be 10 per cent., viz. producing	65,450
Probable loss of revenue	£171,696

Adding this loss to that which I have already estimated will be incurred by the reduction of the duty on articles consumed in manufactures—namely, the sum of £270,000, it will show a total decrease of £441,000, in the revenue now obtained from the necessaries of life. The other great article to which it is necessary that I should now direct the attention of the House, is the article of timber. I am anxious to begin by applying as much as possible of the surplus revenue to the reduction of the duty on timber, but here again I find myself considerably embarrassed by our relations with Canada. The present rate of duty on foreign timber is 5*s.* a load, but the duty on timber is now levied in a complicated and unfair way. And in taking the average amount of duty on foreign timber, including the duty on deals, staves, and laths, taking the whole together, the aggregate amount will not exceed 4*s.* a load. The duty on colonial timber is 10*s.* a load, and here also the average duty may be taken at 8*s.* or 9*s.* a load. It appears to me, that it would be of the utmost advantage, if you make a reduction in the duty on timber, to let it be such a reduction that the consumer should be certain of deriving some benefit from it, and then to make the reduction in such a way that, in the peculiar position of the Canadas, and knowing the importance attached by them to the timber trade, we should not suddenly, or indeed not at all, affect the interests of those colonies; and I think there can be a mode suggested if the House will consent to a considerable loss of present revenue, by which the object to which I have alluded may be attained. If I am correct in supposing that the amount of duty upon foreign timber does not exceed 4*s.* per load, the scope within which I can act is somewhat limited. There have been various measures proposed upon this subject. That measure which I must confess appeared to me to offer the greatest objection, was that proposed last year by government, and which offered the slightest possible relief to the public. By the measure of last year, it was proposed to reduce the duty on foreign timber, but to increase that on Canadian timber. I am going to act on a totally different view. I wish to put all political considerations on one side. I am anxious to avoid, as far as possible, those paltry objects which sink into nothing when I consider the immense interests which are at stake. The measure of last year proposed no relief to the consumer, and no addition to the revenue. My object, having a surplus to deal with, is to consider how I can deal with it to the greatest advantage to the consumer—how, without inflicting any injury on Canada, I can secure the most substantial benefit to this country, to the manufacturing, to the commercial, and to the agricultural interests. It appears to me, that if there is one article more than any other, on which a great reduction of duty is likely to prove beneficial to the public, it is this. It may not offer such plausible promises as some other reductions that might be proposed. It may, for instance, be represented to the working classes that this is a reduction of duty from which they will derive no benefit. But that would be a very false and superficial view of the subject. The real way in which we can benefit the working and manufacturing classes is, unquestionably, by removing the burden that presses on the springs of manufactures and commerce. I should propose—as I believe the aggregate average duty upon foreign timber does not exceed 4*s.*, I should propose, in order that the reduction may be carried out to a sufficient extent to benefit the consumer, that, for the present, the duty on foreign timber, as distinguished from deals, should be reduced to 3*s.* I should propose,

that for the present year, that is to say, the year ending 5th April, 1843, the duties on deals should be reduced to 35s. But I propose to make a total change in the mode of collecting the duties, and to place all the ports of the Baltic on the same footing. I propose, that in future the duty shall be estimated by cubical measurement, instead of the cumbrous, injurious, and unfair mode by which the tax is at present levied. In the year after next I propose—for I am anxious to prevent the possibility of inflicting any injury on Canada; in the committee which sat in 1835, Lord Sydenham held out a distinct prospect to the Canadians, that no sudden measure should be adopted calculated to injure the timber trade of that country;—it is therefore the intention of her Majesty's ministers to evince no disposition in the reduction which they should feel it their duty to make, to impose any disadvantage on the inhabitants of Canada. I stated last year, on the subject of the timber duties, that I should reserve my opinion with regard to them, until I should see how an alteration of them would affect our colonies, and particularly until I should consider its effect on our political relation with the important province of Canada. I still maintain, that the utmost caution should be exhibited in our relations with Canada, and that nothing should be rashly done that may be likely to affect injuriously the interests of its inhabitants. With this feeling I propose an alteration in the timber duties, and shall be anxious to benefit the Canadian as well as the British consumer. On these grounds I propose, that after the 5th of April, 1843, the duty on foreign timber should be reduced to 25s. a load; that the duty on deals should, at the same time, be reduced to 30s., and that the duty on lath wood should be reduced to 20s. If the House will consent to make this reduction in the duty on foreign timber—and there is none more likely to encourage the commercial interests of the country—it will be necessary to consider how our relations with Canada stand with respect to the timber trade. With respect to those possessions, with which I trust this country will ever maintain the most friendly relations, I think it desirable that we should act on the principle of treating Canada as if it were an integral part of the empire. The distance of Canada from this country, and the cost of bringing timber to this country, must in itself necessarily place Canada under a great disadvantage in her commerce in that article with this country; and, therefore, I think if the duty on timber be reduced to 25s., and the duty on foreign deals to 30s., it appears to me if that reduction be made, that we have no alternative but to admit Canadian timber into this country at an almost nominal duty. Sir, I propose that the duty upon colonial timber be reduced to 1s. a load, that the duty upon deals be reduced to 2s. a load, and that the duty on lath-wood shall be reduced to 3s. a load. Now, I shall say at once that the adoption of this measure cannot fail to produce a great loss of revenue, but having made a reduction in the duty on articles that enter into the elements of manufactures, I cannot see any more beneficial reduction than a reduction of the duty levied upon timber. The total loss, in consequence of this reduction in the duty on timber, will, I estimate, amount to £600,000. If the House wish it, I will go through the details of the calculations by which I arrive at this conclusion. I am ready to go into these details, but I own I should be glad to be spared them, as I shall be glad to spare the House the trouble of listening to them. There are two, and only two, other great reductions of duty to which I wish to call the attention of the House, and I cannot help thinking that on these I shall carry the unanimous opinion of the House with me. Sir, there are at present levied certain duties on the export of British manufactures—duties, Sir, which I think are contrary to a sound principle of legislation; and these duties I find amount to the sum of £108,000 a-year. Part of these duties arise from the export of woollens and of yarns which are exported to countries with which we have no reciprocity treaties.

I find the duty on woollen manufactures amounts annually to	£30,000
That on linen yarns to	4,000
On silks to	4,800
On manufactured iron to	24,000
On some other articles to	9,000
On earthenware to	8,000
On provisions to	5,200
Making altogether	£52,000

To these may be added for some minor articles about £20,000, giving a total of upwards of £100,000 a-year. Now, Sir, I propose to remit altogether the export duties on British manufactures, and thus there will be incurred a loss of revenue at £103,000 a-year. There is another and a different class of duties that I think unjust, and towards the removal of which I think a part of the surplus should be applied. In the first place, I will call your attention to the duty upon stage-coaches: and in dealing with this question you must consider the amount of competition which the proprietors of these coaches have to contend against, especially on those lines of road where railways have been established. To make that competition more difficult, you subject them to unjust taxation. As I said before, I am unwilling to place any new tax on locomotion; but I am anxious to propose the remission of existing encumbrances. At present, railways pay to the State only one-eighth of a penny a mile for every passenger, and, speaking of the present year, I do not propose any augmentation to this tax. I do not mean to say that these duties are too low; but, when the duty on stage-coaches is considered, I say stage-coaches pay a great deal too much. The rate of mileage imposed on stage-coaches, if licensed to carry not more than six persons, is one penny a mile; if licensed to carry not more than ten persons, three halfpence a mile; if not more than thirteen, twopence, and if not more than sixteen, threepence. Then, in addition to this, there is a license duty of 5s., besides the assessed taxes on coachmen and guards. On railroads, no corresponding taxes are imposed. I shall propose, that stage coaches be subjected to a uniform mileage of  $1\frac{1}{2}d.$ , that the license be reduced to 3s., and that the assessed taxes on coachmen and guards be taken off altogether. This proposition, if assented to by parliament, will lead to a loss of revenue amounting to £61,000; but it is a loss which, I feel persuaded, can be vindicated on principles of strict and impartial justice. I also propose to take off the duty imposed upon persons who are in the habit of letting job carriages, and this will lead to a loss in the revenue of £9,000, making a total loss in the revenue of £70,000 on account of stage coaches. I will now shortly review the whole of the financial arrangements which I have detailed.

The estimated deficiency of this Year is . . . . .	£2,570,000
The reduction in the various articles of the tariff, to the number of 750, will not be more than . . . . .	270,000
The loss on coffee I estimate at . . . . .	170,000
That on timber at . . . . .	600,000
The repeal of the export duty on British manufactures will occasion a loss of . . . . .	100,000
And the reduction of the duties on stage coaches will lessen the revenue by . . . . .	70,000
Making a total deficiency in the public income, in consequence of the proposed reductions of . . . . .	£3,780,000

The loss of £3,780,000, deducted from the estimated revenue to be derived from the new taxes, and which is calculated at £4,300,000, will leave a surplus of £520,000 to meet the increased estimate which I may have to propose on account of India; to meet the increased charge which may be necessary to prosecute the war with China; to meet any increased reduction of duty which it may be necessary to propose on account of the completion of commercial treaties with other countries. I believe I have now concluded the task I have undertaken. If I have been enabled clearly (which is all I have aimed at)—clearly and fully to develop the views of her Majesty's government, I am greatly indebted for that success to the very kind and patient attention with which the House has listened to the exceedingly long, and, I am afraid, in some respects, tedious details with which I have been compelled to enter. I have laid before you, without reserve, the whole plan of the government. I have given you a full, an explicit, an unreserved, but I hope, an unexaggerated statement of the financial embarrassments in which we are placed. There are occasions when a minister of the Crown may, consistently with honour and with good policy, pause before he presses upon the legislature the adoption of measures which he believes to be abstractedly right; he may have to encounter differences of opinion amongst colleagues whom he esteems and respects; he may sincerely believe it to be for the

public interest that the government of which he is a member should retain power, and that, therefore, he should not hazard its existence, by proposing a measure which might not ultimately succeed, and thereby endanger the safety and security of his government; he may, on comparing the consequence of exciting and agitating the country by discussion upon a measure in which he may not ultimately succeed, think it possible that there is a disadvantage in proposing that which he believes to be abstractedly right, for the evil of fruitless agitation may possibly countervail the enunciation of a right principle. But there are occasions, and this is one of them, upon which a government can make no compromise—there are occasions, and, this is one of them, upon which it is the bounden duty of a government to give that counsel to the legislature which it believes to be right—to undertake the responsibility of proposing those measures which it believes to be for the public advantage, and to devolve upon the legislature the responsibility of adopting or rejecting those measures. I have performed on the part of her Majesty's government my duty. I have proposed with the full weight and authority of the government, that which I believe to be conducive to the public welfare. I now devolve upon you the duty, which properly belongs to you, of maturely considering and finally deciding on the adoption or rejection of the measures I propose. We live in an important era of human affairs. There may be a natural tendency to overrate the magnitude of the crisis in which we live, or those particular events with which we are ourselves conversant; but I think it is impossible to deny that the period in which our lot and the lot of our fathers has been cast—the period which has elapsed since the first outbreak of the first French revolution—has been one of the most memorable periods that the history of the world will afford. The course which England has pursued during that period will attract for ages to come the contemplation and, I trust, the admiration of posterity. That period may be divided into two parts, of almost equal duration; a period of twenty-five years of continued conflict—the most momentous which ever engaged the energies of a nation—and twenty-five years, in which most of us have lived, of profound European peace, produced by the sacrifices made during the years of war. There will be a time when those countless millions that are sprung from our loins, occupying many parts of the globe, living under institutions derived from ours, speaking the same language in which we convey our thoughts and feelings—for such will be the ultimate results of our wide-spread colonisation—the time will come when those countless millions will view with pride and admiration the example of constancy and fortitude which our fathers set during the momentous period of war. They will view with admiration our previous achievements by land and sea, our determination to uphold the public credit, and all those qualities by the expedition of which we were enabled ultimately, by the example we set to foreign nations, to ensure the deliverance of Europe. In the review of the period, the conduct of our fathers during the years of war will be brought into close contrast with the conduct of those of us who have lived only during the years of peace. I am now addressing you after the duration of peace for twenty-five years. I am now exhibiting to you the financial difficulties and embarrassments in which you are placed; and my confident hope and belief is, that, following the example of those who preceded you, you will look these difficulties in the face, and not refuse to make similar sacrifices to those which your fathers made for the purpose of upholding the public credit. You will bear in mind that this is no casual and occasional difficulty. You will bear in mind that there are indications amongst all the upper classes of society of increased comfort and enjoyment—of increased prosperity and wealth, and that concurrently with these indications there exists a mighty evil which has been growing up for the last seven years, and which you now are called upon to meet. If you have, as I believe you have, the fortitude and constancy of which you have been set the example, you will not consent with folded arms to view the annual growth of this mighty evil. You will not reconcile it to your consciences to hope for relief from diminished taxation. You will not adopt the miserable expedient of adding, during peace, and in the midst of these indications of wealth and of increasing prosperity, to the burdens which posterity will be called upon to bear. You will not permit this evil to gain such gigantic growth as ultimately to place it far beyond your power to check or control. If you do permit this evil to continue, you must expect the severe but just judgment of a reflecting and retrospective

posterity. Your conduct will be contrasted with the conduct of your fathers, under difficulties infinitely less pressing than theirs. Your conduct will be contrasted with that of your fathers, who, with a mutiny at the Nore, a rebellion in Ireland, and disaster abroad, yet submitted with buoyant vigour and universal applause (with the funds as low as 52) to a property-tax of 10 per cent. I believe that you will not subject yourselves to an injurious or an unworthy contract. It is my firm belief that you will feel the necessity of preserving inviolate the public credit—that you will not throw away the means of maintaining the public credit by reducing in the most legitimate manner the burden of the public debt. My confident hope and belief is, that now, when I devolve the responsibility upon you, you will prove yourselves worthy of your mission—of your mission as the representatives of a mighty people; and that you will not tarnish the fame which it is your duty to cherish as the most glorious inheritance—that you will not impair the character for fortitude, for good faith, which, in proportion as the empire of opinion supersedes and predominates over the empire of physical force, constitutes for every people, but above all for the people of England—I speak of reputation and character—the main instrument by which a powerful people can repel hostile aggressions and maintain extended empire.

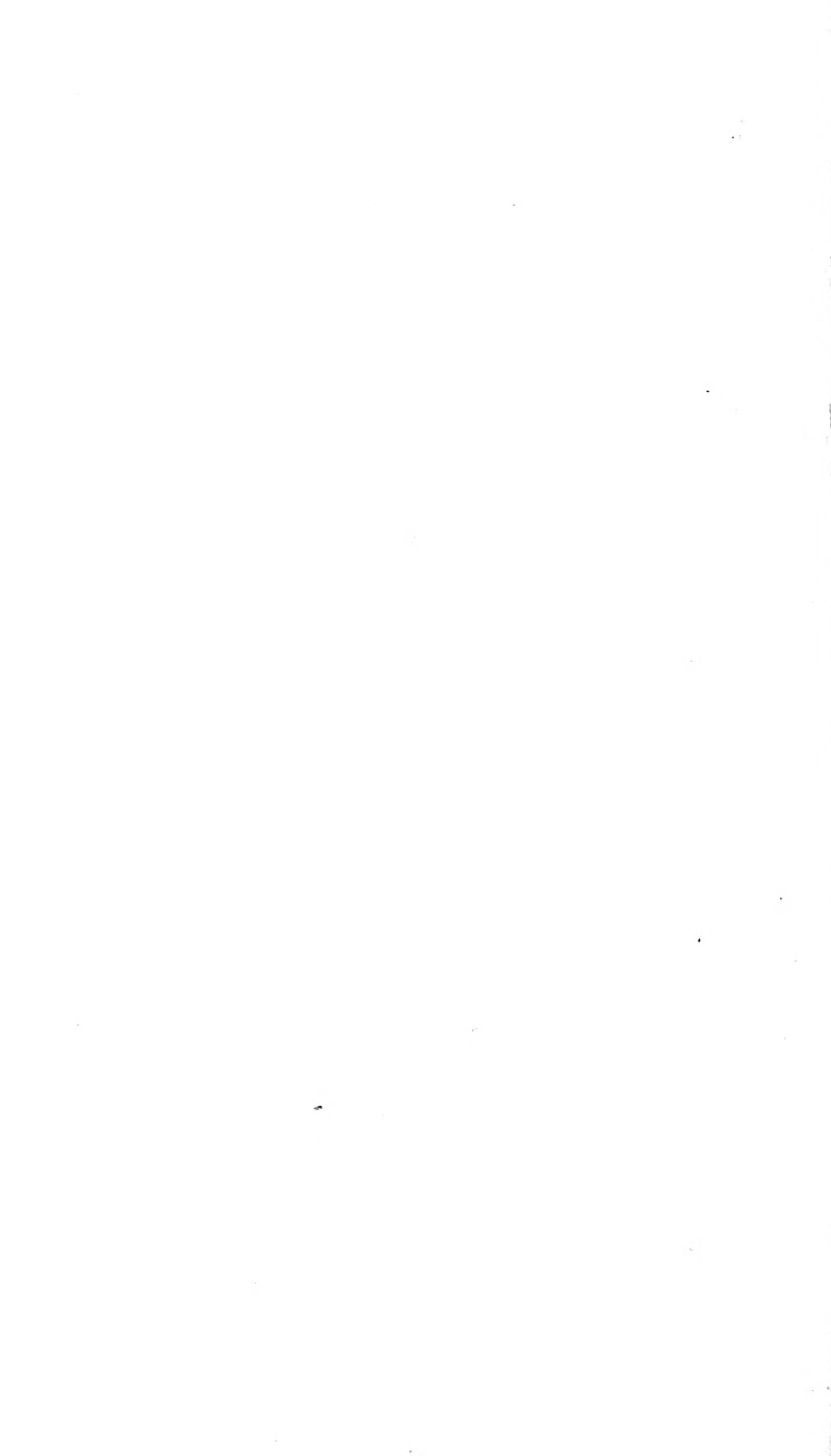
The right hon. baronet concluded by moving the following resolution:—"That, towards raising the supply granted to her Majesty, there should be charged, levied, collected, and paid upon every gallon of spirits of the strength of hydrometer proof, which shall, on or after the eleventh day of March one thousand eight hundred and forty-two, be distilled in Ireland, or be in the stock, custody, or possession of any distiller in Ireland, or which having been distilled in Ireland or Scotland, shall on or after that day be in warehouse in Ireland, and be taken out of warehouse for consumption in Ireland, or which having been taken out of warehouse in Scotland for removal to Ireland, shall on or after that day be brought into Ireland, an additional duty of one shilling."

A short discussion ensued, in which Lord John Russell, Mr. O'Connell, Viscount Howick, and Mr. T. F. Baring took part: the resolution was then put and agreed to, the report ordered to be received, and the House went into committee on the West India Clergy bill.

END OF VOLUME THIRD









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